



AGENDA
CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL
MONDAY, DECEMBER 09, 2013 5:30 PM

1. CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PROCLAMATIONS: None

3. PRESENTATIONS: None

4. CONSENT AGENDA:

Routine items are placed on the Consent Agenda to expedite the meeting. If the Commission/Staff wish to discuss any item, the procedure is as follows: (1) pull the item(s) from the Consent Agenda; (2) vote on remaining items with one roll call vote, (3) discuss each pulled item and vote by roll call

A. CITY COMMISSION MEETING MINUTES:

1. Meeting held December 10, 2012
2. Meeting held August 12, 2013

B. PURCHASING ITEMS:

1. Request from Public Works Wastewater Division to purchase a 60 kw stand by generator to replace an existing unit at Lift Station 35 located at the airport from Zabatt, Inc. for a total cost of \$37,074.00.

C. RESOLUTIONS:

1. Resolution of the City Commission authorizing the Mayor and City Clerk to execute a Satisfaction of Mortgage in favor of Elizabeth Dean for a deferred payment loan made to her from Community Development Block Grant funding.
2. Resolution of the City Commission authorizing the Mayor and City Clerk to execute a Satisfaction of Mortgage in favor of Everene Wright for a deferred payment loan made to her from Community Development Block Grant funding.
3. Resolution of the City Commission of the City of Leesburg, Florida, authoring the Mayor and City Clerk to execute a Master Service Agreement with The First National Bank of Mount Dora; and providing an effective date.

4. Resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a First Amendment to Site Agreement for Water Tower Lease with T-Mobile South LLC; and providing an effective date.
5. Resolution of the City Commission of the City of Leesburg, Florida pertaining to levy of Non-Ad Valorem Assessments to recover City costs of lot clean-up and repair of unsafe structures.

D. OTHER ITEMS: None

5. PUBLIC HEARINGS AND NON-ROUTINE ITEMS:

- A. Second reading of an Ordinance rezoning approximately 25.3 acres east of Picciola Road and South of Park Holland Road, from an existing City PUD and R-3 to a City PUD to allow 42 single-family attached and 20 single-family detached residential units (Park Holland Villas)
- B. Second reading of an Ordinance authorizing operation of golf carts, utility vehicles and low-speed vehicles on certain City owned and maintained streets, prescribing standards for equipment required on golf carts and utility vehicles
- C. Second reading of an ordinance amending the fiscal year 2012-13 Budget for the General, Debt Service, Capital Projects, Electric, Gas, Water, Wastewater, Communications, Discretionary Sales Tax and Gas Tax Funds for the Fourth Quarter.
- D. Second reading of an Ordinance amending Section 15-9 of the Code of Ordinances pertaining to restricted areas on certain waterways within the City.
- E. First reading of an Ordinance amending Section 18-105 and 18-106 of the Code of Ordinances, pertaining to sidewalks, to allow approval of alternative materials for sidewalks at the request of the developer.
- F. First reading of an ordinance amending the PUD zoning for the Hidden Harbor Mobile Home Park, to add eight additional boat slips (Hidden Harbor Mobile Home Park).
- G. First reading of an ordinance amending the PUD zoning for the Hawthorne CR 48 Development to extend the development phasing requirement for an additional 36 months (Hawthorne CR 48 Development).
- H. Resolution designating a Brownfield area for the purpose of economic development, environmental remediation, and rehabilitation on Hwy 27 in Leesburg
- I. Resolution authorizing execution of an agreement with S.W.I. Software Install, Inc. to provide utility meter reading services

6. INFORMATIONAL REPORTS:

The following reports are provided to the Commission in accordance with the Charter/Ordinances. No action required.

7. CITY ATTORNEY ITEMS:

8. CITY MANAGER ITEMS:

9. PUBLIC COMMENTS:

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Issues brought up will not be discussed in detail at this meeting. Issues will either be referred to the proper staff or will be scheduled for consideration at a future City Commission Meeting. Comments are limited to three minutes.

10. ROLL CALL:

11. ADJOURN:

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE HUMAN RESOURCES DEPARTMENT, ADA COORDINATOR, AT 728-9740, 48 HOURS IN ADVANCE OF THE MEETING.

F.S.S. 286.0105 "If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." The City of Leesburg does not provide this verbatim record.



AGENDA MEMORANDUM

Item No: 4.B.1.

Meeting Date: December 9, 2013

From: Mike Thornton, Purchasing Manager for
DC Mauldin, Interim Public Works Director

Subject: Purchase request for a 60kw stand by generator to replace an existing unit at
Lift Station 35.

Staff Recommendation:

Staff recommends approval of the purchase request and awarding the bid to Zabatt, Inc. for a total cost not to exceed \$37,074.00.

Analysis:

Lift Station 35 is located at the intersection of Wilco Drive and US Highway 441 and currently has a standby generator that needs to be replaced. This lift station processes approximately 250,000 gallons of wastewater per day. A standby generator is essential for this lift station in order to avoid a spill should power to the station be lost.

The existing generator has been inspected and is exhibiting signs of mechanical failure. The generator unit and all accessory equipment is also showing advanced stages of corrosion and rust. This particular lift station has high levels of sulfide gas created from the high volume of wastewater. The sulfide gas is corrosive and takes its toll on metal parts at the lift station. The generator has been taken out of service and a temporary portable generator is setup at the lift station taking its place. This Invitation to Bid (ITB) was put on a fast track timeline as it is somewhat of an emergency to get a new generator installed.

The purchase requires the vendor to furnish and install a new natural gas powered 60 kw generator with automatic transfer switch. The vendor is to provide a new meter can and all wiring and controls from the meter can to the generator unit. The City will retain ownership of the old generator.

Procurement Analysis:

On November 12, 2013 Invitation to Bid 140091 was issued. Eleven known vendors from past generator bids were notified, two of the vendors are local vendors. A mandatory pre-bid meeting was held at the project site on November 15, 2013. There were eleven vendors in attendance and one supplier/manufacturer represented.

On November 25, 2013 the Purchasing Division received three sealed bid responses. The bid responses are summarized here.

Vendor Name	Local Vendor	Bid Amount	% Above Low Bid	Days for Work
Zabatt, Inc. Jacksonville, FL	NO	\$37,074.00	0%	63 calendar days to begin 70 calendar days to complete
Electric Services, Inc. Leesburg, FL	YES Tier I – 5%	\$45,000.00	21.37%	70 calendar days to begin 90 calendar days to complete
Leedy Electric East Mulberry, FL	NO	\$48,898.00	31.89%	Not Specified

The City's Local Vendor Preference policy is applicable to this purchase and was applied. Electric Services, Inc. qualifies as a Tier I local vendor and afforded a 5% preference. Their bid price is 21.37% higher than the low bidder and application of the preference does not result in their bid being the lowest bid.

Staff has evaluated the bids received and has deemed Zabatt, Inc. the lowest responsible bidder and submitting a responsive bid. The number of days to complete the work was also an important factor in this purchase as the current generator is out of service. Zabatt, Inc. provided the shortest time to complete the work. Zabatt has bid a Generac brand generator with a Thomson Technology automatic transfer switch. The City has purchased one of these generators within the last three years.

Options:

1. Approve the purchase request and bid award to Zabatt, Inc. for \$37,074.00; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

This purchase was budgeted in the Public Works/Wastewater Capital Improvement budget for Fiscal Year 2014. An amount of \$35,000 was budgeted for this purchase. The bid amount is \$2,074.00 over budget. The deficit will be made up on savings from other purchases in the Wastewater capital budget.

Submission Date and Time: 12/5/2013 8:45 AM

Department: <u>Public Works/Wastewater</u> Prepared by: <u>Mike Thornton</u> Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>044-4099-535.64--10</u> Project No. <u>440003</u> WF No. <u>WF0875128 / 001</u> Budget <u>\$35,000.00</u> Available <u>\$35,000.00</u>
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AGENDA MEMORANDUM

Item No: 4.C.1.

Meeting Date: December 9, 2013

From: Ken Thomas, Director of Housing & Economic Development

Subject: Resolution approving Satisfaction of a Housing Rehabilitation Program
Deferred Payment Loan Agreement for Ms. Elizabeth Dean

Staff Recommendation:

Staff recommends the City Commission approve the Satisfaction of Mortgage and acknowledge full payment of said note.

Analysis:

Ms. Dean received a Community Development Block Grant (CDBG) Rehabilitation Program Deferred Payment Loan of \$20,357.40 October 31, 1995. Ms. Dean was awarded the funding to rehabilitate her home based on program criteria and commitment to stay in the home during the deferment period.

Subsequently, the loan period ended October 31, 1998. Therefore, Ms. Dean is requesting a satisfaction of mortgage. Staff has determined the loan obligations have been fulfilled.

Options:

1. Approve the Satisfaction of Mortgage; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

None

Submission Date and Time: 12/5/2013 8:45 AM

Department: _____ Prepared by: _____ Attachments: Yes____ No____ Advertised: _____Not Required _____ Dates: _____ Attorney Review : Yes____ No____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION AUTHORIZING
THE MAYOR AND CITY CLERK TO EXECUTE A
SATISFACTION OF MORTGAGE IN FAVOR OF ELIZABETH
DEAN FOR A DEFERRED PAYMENT LOAN MADE TO HER
FROM COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDING.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to sign a Satisfaction of Mortgage in favor of Elizabeth Dean in substantially the form attached as Exhibit "A" to this resolution, for the purpose of satisfying a mortgage given to secure a housing rehabilitation loan.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 9th day of December 2013.

David Knowles, Mayor

ATTEST:

Betty Richardson, City Clerk



AGENDA MEMORANDUM

Item No: 4.C.2.

Meeting Date: December 9, 2013

From: Ken Thomas, Director of Housing & Economic Development

Subject: Resolution approving a Satisfaction of a Housing Rehabilitation Program
Deferred Payment Loan Agreement for Everene Wright

Staff Recommendation:

Staff recommends the City Commission approve the Satisfaction of Mortgage and acknowledge full payment of said note.

Analysis:

Ms. Wright received a Community Development Block Grant (CDBG) Rehabilitation Program Deferred Payment Loan of \$20,259.43 on April 20, 1998. Ms. Wright was awarded the funding to rehabilitate her home based on program criteria and commitment to stay in the home during the deferment period.

Subsequently, the loan period ended April 20, 2003. Therefore, Ms. Wright is requesting a satisfaction of mortgage. Staff has determined the loan obligations have been fulfilled.

Options:

1. Approve the Satisfaction of Mortgage; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

None

Submission Date and Time: 12/5/2013 8:45 AM

Department: _____ Prepared by: _____ Attachments: Yes____ No____ Advertised: _____Not Required _____ Dates: _____ Attorney Review : Yes____ No____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A SATISFACTION OF MORTGAGE IN FAVOR OF EVERENE WRIGHT FOR A DEFERRED PAYMENT LOAN MADE TO HER FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to sign a Satisfaction of Mortgage in favor of Everene Wright in substantially the form attached as Exhibit "A" to this Resolution, for the purpose of satisfying a mortgage given to secure a housing rehabilitation loan.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 9th day of December 2013.

David Knowles, Mayor

ATTEST:

Betty Richardson, City Clerk



AGENDA MEMORANDUM

Item No: 4.C.3.

Meeting Date: December 9, 2013

From: Jim Lemberg – Manager, Communications Utility

Subject: Resolution authorizing Master Service Agreement with The First National Bank of Mount Dora.

Staff Recommendation:

Staff recommends approval of a resolution authorizing a Master Service Agreement for communications services with The First National Bank of Mount Dora.

Analysis:

The Master Service Agreement provides the general terms and conditions under which the customer will place orders for communications services from the City's Communications Utility.

Options:

1. Approve the resolution, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

This agreement will have no fiscal impact.

Submission Date and Time: 12/5/2013 8:45 AM

Department: <u>IT/Communications</u>	Reviewed by: Dept. Head _____	Account No. <u>n/a</u>
Prepared by: <u>Jim Lemberg</u>		
Attachments: Yes <u>X</u> No _____	Finance Dept. _____	Project No. <u>n/a</u>
Advertised: _____ Not Required <u>X</u>		
Dates: <u>n/a</u>	Deputy C.M. _____	WF No. <u>n/a</u>
Attorney Review : Yes <u>X</u> No _____	Submitted by: _____	Budget <u>n/a</u>
	City Manager _____	Available <u>n/a</u>
<u>Revised 6/10/04</u>		

RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE A MASTER SERVICE AGREEMENT
WITH THE FIRST NATIONAL BANK OF MOUNT DORA FOR
THE PROVISION OF COMMUNICATIONS SERVICES; AND
PROVIDING AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:**

THAT the Mayor and City Clerk are hereby authorized to execute a Master Service Agreement with The First National Bank of Mount Dora, whose address is P.O. Box 95, Mount Dora, FL 32756, under which communications services are provided.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the ninth day of December 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.4.

Meeting Date: December 9, 2013

From: Jim Lemberg – Manager, Communications Utility

Subject: Resolution authorizing a First Amendment to Site Agreement for Water Tower Lease with T-Mobile South LLC.

Staff Recommendation:

Staff recommends approval of a resolution authorizing a First Amendment to Site Agreement for Water Tower Lease with T-Mobile South LLC which will allow T-Mobile to place additional antennas on the City's water tower near Lake Square Mall.

Analysis:

The City entered a lease agreement with T-Mobile in July of 1997 under which T-Mobile placed antennas on the mall water tower and associated equipment at the mall water tower compound. This lease will allow T-Mobile to place additional antennas on the water tower.

T-Mobile retained a professional engineer to perform a structural analysis of the water tower's ability to bear the additional load that would be introduced by additional antennas. The City received a sealed copy of the engineer's report indicating that the water tower could bear the additional load.

The additional antennas will be mounted in approximately the same areas as T-Mobile's existing antennas.

Public Works has been closely involved in all discussions with T-Mobile and is willing for the additional antennas to be so placed.

Options:

1. Approve the resolution authorizing the First Amendment, or
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

T-Mobile's rent will increase by \$250.00 per month which will result in an additional \$3,000 a year of revenue for the Communications fund.

Submission Date and Time: 12/5/2013 8:45 AM

Department: <u>IT/Communications</u> Prepared by: <u>Jim Lemberg</u> Attachments: Yes <u>X</u> No <u> </u> Advertised: <u> </u> Not Required <u>X</u> Dates: <u>n/a</u> Attorney Review : Yes <u>X</u> No <u> </u> <u> </u> Revised 6/10/04	Reviewed by: Dept. Head <u> </u> Finance Dept. <u>BLM,</u> Deputy C.M. <u> </u> Submitted by: City Manager <u> </u>	Account No. <u>045-0000-343-97-10</u> Project No. <u>n/a</u> WF No. <u>n/a</u> Budget <u>n/a</u> Available <u>n/a</u>
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, AUTHORIZING THE MAYOR AND
CITY CLERK TO EXECUTE A FIRST AMENDMENT TO SITE
AGREEMENT FOR WATER TOWER LEASE WITH T-MOBILE
SOUTH LLC; AND PROVIDING AN EFFECTIVE DATE.

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:**

THAT the Mayor and City Clerk are hereby authorized to execute a First Amendment to Site Agreement for Water Tower Lease with T-Mobile South LLC, whose address is 7668 Warren Parkway, Frisco TX 75034, under which T-Mobile South LLC will place additional antennas at City's water tower near Lake Square Mall.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the ninth day of December 2013.

Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 4.C.5.

Meeting Date: December 9, 2013

From: Raymond S. Sharp, Interim City Manager

Subject: Resolution providing for the levy of non-ad valorem assessments for the costs of lot cleanup and repair of unsafe properties.

Staff Recommendation:

Staff recommends approval of the resolution as presented.

Analysis:

The Commission has previously discussed options for code enforcement and cost recovery of city expenses associated with lot cleanup and repairs of unsafe properties. In the course of those discussions, Mr. Morrison advised that the City had an option of levying non-ad valorem assessments, and the Commission directed that an appropriate resolution be brought for consideration.

Section 12-20 of the Code of Ordinances provides that the City may cleanup or improve lots, parcels or tracts when the owner fails to do so. Section 12-21 of the Code of Ordinances provides that the City may recover the cost of such activities by means of a non-ad valorem assessment should the owner fail to pay the costs.

This resolution establishes the City's intent in that regard. It also directs the City Clerk to send a certified copy of the adopted resolution to the Lake County Property Appraiser and to the Florida Department of Revenue.

Options:

1. Approve the resolution as presented; or,
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact:

There is no immediate fiscal impact, either positive or negative. However, beginning with FY 15, the City can expect to recover its unrecovered expenses of clean-up and remediation through non-ad valorem assessments on an annual basis. This will decrease the financial burden on the General Fund for such activities.

Submission Date and Time: 12/5/2013 8:45 AM

Department: <u>Executive</u> Prepared by: <u>R. Sharp</u> Attachments: Yes___ No___ Advertised <input checked="" type="checkbox"/> Not Required ___ Dates:___ Attorney Review : Yes___ No___ _____ Revised 6/10/04	Reviewed by: Dept. Head ___ Finance Dept. ___ Deputy C.M. ___ Submitted by: City Manager ___	Account No. ___ Project No. ___ WF No. ___ Budget ___ Available ___
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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, PERTAINING TO NON-AD VALOREM ASSESSMENTS FOR LOT CLEAN-UP AND REPAIR OF UNSAFE STRUCTURES, SETTING FORTH FINDINGS AND ESTABLISHING PROCEDURES FOR THE LEVY OF NON AD VALOREM ASSESSMENTS FOR THE STATED PURPOSES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Leesburg, Florida, is considering imposing non-ad valorem assessments which, if imposed, will continue from year to year until otherwise determined by the City Commission.

WHEREAS, the non-ad valorem assessment will reimburse Leesburg for costs and expenses incurred when Leesburg remedies nuisances and imminent threats to public health and safety on lots, parcels and tracts within Leesburg caused by the accumulation of trash, junk, or debris, living and nonliving plant material, stagnant water, and fill on property and when the costs and expenses are not paid timely by the property owner, property agent, custodian, lessee, or occupant.

WHEREAS, the lots, parcels and tracts that will be cleaned up and improved by the City pursuant to the proposed ordinance will receive special benefits and will benefit from the cleanup and improvements in a manner equal to or greater than the cost of the assessment by improving the use of the property.

WHEREAS, the use of the assessments to clean up and remedy nuisances will add financial value to the assessed properties equal to or greater than the amount of the assessment.

WHEREAS, the removal of nuisance conditions will render the assessed properties more attractive for use and habitation providing a measure of public safety and economic value to not only the assessed property but the general neighborhood.

WHEREAS, when properties are cleaned up pursuant to the proposed ordinance, the property owners will be required to reimburse the City for the costs incurred in the cleanup, and there is the possibility that owners may fail or refuse to reimburse the City.

WHEREAS, in order to collect the costs and expenses not paid timely by property owners, the City Commission finds that it is fair, equitable and necessary to levy a non-ad valorem assessment against the benefitted property to reimburse the City for costs and expenses incurred when the City cleans up and improves a lot, parcel, or tract in accordance with §12 – 20 of the Code of Ordinances.

WHEREAS, §12 – 21 of the Code of Ordinances authorizes Leesburg to impose non ad valorem assessments for the purposes stated in this Resolution, if property owners do not pay the costs and expenses associated with the remediation of nuisances, and authorizes the City to use the uniform method of collecting non-ad valorem assessments to reimburse the City for costs and expenses incurred in remediating nuisances as those are defined in §12 – 20.

WHEREAS, in order to collect the costs and expenses not paid timely by property owners, the City Commission finds that it is fair, equitable and necessary to levy a non-ad valorem assessment against the benefitted property to reimburse the City for costs and expenses incurred when the City exercises its rights under §12 – 20 to clean up and improve parcels of property.

WHEREAS, the uniform method of collecting non-ad valorem assessments, as authorized by Section 197.3632 of the Florida Statutes, provides for the collection of non-ad valorem assessments by including such assessments on the tax bills issued for the collection of ad valorem taxes.

WHEREAS, the City has the authority to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments set forth in Chapter 197 of the Florida Statutes.

WHEREAS, the City Commission finds that the use of the uniform method of collecting non-ad valorem assessments as authorized by section 197.3632 of the Florida Statutes will result in the efficient and effective collection of costs and expenses that have been paid by the City for the clean-up of a lot, but not timely reimbursed by the property owner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, THAT:

Section 1. Findings.

The foregoing findings are incorporated herein by reference.

Section 2. Assessments for Lot Clean-Up

1. The City Commission has adopted an ordinance authorizing the uniform method of imposing non-ad valorem assessments to collect unpaid costs and expenses incurred by the City in cleaning up lots that are a nuisance or pose an imminent threat to public health and safety on property within the City. The City Commission intends to use, and hereby authorizes its City Manager and City Attorney to take all needed actions to use, the uniform method of collecting non-ad valorem assessments as provided in section 197.3632 of the Florida Statutes, for collecting all unpaid lot clean-up costs.

2. The City Commission intends to use and will continue, year-to-year, to use the uniform method of collecting non-ad valorem assessments for lot clean-up, until otherwise determined or discontinued by the City Commission.

3. The City Commission has determined that a non-ad valorem special assessment for lot clean-up costs and expenses is necessary in order to financially permit and enable the City to continue clean-up of nuisances and imminent threats to public health and safety on property within the City.

4. The City of Leesburg, in its entirety, as its boundaries exist on the effective date of this Resolution and as they may be expanded or contracted from time to time, has been declared in §§12 – 20 and 12 – 21 of the Code of Ordinances to be a special-assessment district for the purpose of collecting unpaid costs and expenses incurred by the City for lot clean-up. Properties assessed for the cost of clean-up under the ordinances shall have their respective assessments collected by the uniform method (unless the assessments are paid timely before the pertinent non-ad valorem

assessment roll is certified to the Tax Collector for collection), and for that purpose the City shall place the legal description of such properties on its non-ad valorem assessment roll each year that the assessments are outstanding and unpaid.

Section 3. Notice Requirements

In accordance with the requirements of subsection 197.3632(3)(a) of the Florida Statutes, prior to the adoption of this resolution, the City held a public hearing that was advertised weekly in a local newspaper for four consecutive weeks prior to the public hearing. A copy of the newspaper advertisement is attached hereto as Attachment A.

Section 4. Assessment Roll

Each non-ad valorem assessment imposed by the City pursuant to this resolution shall be included in the assessment roll that will be adopted by the City and certified by the City Attorney or his designee prior to September 15, 2014, and each year thereafter.

Section 5. Directions to the City Clerk.

The City Clerk is hereby directed to send a certified copy of this resolution, by U.S. mail, to the Lake County Property Appraiser, the Lake County Tax Collector, and the Florida Department of Revenue, prior to January 10, 2014.

Section 6. Effective Date.

This Resolution shall take effect immediately upon its passage and adoption in accordance with applicable law.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at its meeting held on the _____ day of December, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
DAVID KNOWLES, Mayor

Attest: _____
BETTY RICHARDSON, City Clerk



AGENDA MEMORANDUM

Item No: 5A.

Meeting Date: December 9, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance rezoning approximately 25.3 acres east of Picciola Road and South of Park Holland Road, from an existing City PUD and R-3 to a City PUD to allow 42 single family attached and 20 single family detached residential units (Park Holland Villas)

Staff Recommendation:

The Planning staff and the Planning Commission recommend approval of the proposed rezoning for the subject property to the PUD (Planned Unit Development).

Analysis:

The project site is approximately 25.3 acres. The property is generally located east of Picciola Road and South of Park Holland Road, as shown on the attached General Location Map. The present zoning for this property is City PUD (Planned Unit Development) and R-3 (High Density Residential). Currently, the property is undeveloped. The surrounding adjacent properties are zoned City PUD (Planned Unit Development) and C-3 (Highway Commercial) to the south, City PUD (Planned Unit Residential) and Lake County R-1 (Rural Residential) to the east, City R-3 (High Density Residential) and R-1 (Low Density Residential) to the north, and City R-3 (High Density Residential), Lake County R-1 (Rural Residential) and C-3 (Highway Commercial) to the west. The existing Land Use designation for the subject property is City Low Density Residential.

The proposed zoning district of City PUD (Planned Unit Development) is compatible with the adjacent and nearby properties in the area and with the existing future land use designations of High Density, Low Density, and Conservation.

The existing land uses surrounding the property are single family residential, undeveloped and citrus grove. Currently, the property has utilities available.

By a vote of 7 to 0 on October 17, 2013, the Planning Commission voted to recommend approval of the rezoning.

Options:

1. Approve the proposed rezoning to City PUD (Planned Unit Development) thereby allowing consistent zoning and development standards for this area.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There will be a positive fiscal impact to the City through the proposed development planned for this property.

Submission Date and Time: 12/5/13 8:45 AM

Department: Community Development Prepared by: Bill Wiley, AICP Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head <u>BW</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING THE ZONING OF APPROXIMATELY 25.3 ACRES FROM CITY PUD (PLANNED UNIT DEVELOPMENT) AND R-3 (HIGH DENSITY RESIDENTIAL) TO CITY PUD (PLANNED UNIT DEVELOPMENT) TO ALLOW FOR THE DEVELOPMENT OF 42 SINGLE FAMILY ATTACHED AND 20 SINGLE FAMILY DETACHED RESIDENTIAL UNITS FOR A PROPERTY LOCATED EAST OF PICCIOLA ROAD AND SOUTH OF PARK HOLLAND ROAD AS LEGALLY DESCRIBED IN SECTION 14, AND 15, TOWNSHIP 19, RANGE 24, LAKE COUNTY, FLORIDA, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE. (Holland Park Villas)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of Pillar Development, LLC or assigns, the owner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from an existing City PUD (Planned Unit Development) and R-3 (High Density Residential) to a City PUD (Planned Unit Development) zoning district subject to conditions contained in Exhibit A to-wit:

LEGAL DESCRIPTION

See attached Legal Description Exhibit B

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG

By: _____
Mayor David Knowles

ATTEST:

Betty Richardson, City Clerk

**HOLLAND PARK VILLAS
REZONING TO PUD (PLANNED UNIT DEVELOPMENT)
PLANNED DEVELOPMENT CONDITIONS
October 17, 2013**

This Planned Development Conditions for a PUD (Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to Pillar Development, LLC/Michael Boutros "Permittee" for the purposes and subject to the terms and conditions as set forth herein pursuant to authority contained in Chapter 25 Zoning, Section 25-278 Planned Developments of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND: The "Permittee" is desirous of obtaining a PUD (Planned Unit Development) zoning district to allow construction of a proposed residential development comprised of a residential subdivision consisting of a maximum of 42 single family attached and 20 single family detached residential units on approximate 25.3 acres located south of Park Holland Road and east of Picciola Road, on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

1. **PERMISSION** is hereby granted to Pillar Development, LLC/Michael Boutros to construct, operate, and maintain a Planned Development in and on real property in the City of Leesburg. The property is more particularly described as follows:

LEGAL DESCRIPTION:
See attached legal Exhibit B.

2. **LAND USE**
The above-described property shall be used for mixed use residential development, pursuant to City of Leesburg development codes and standards and the Conceptual Plan Exhibit C as follows:

A. Residential Development

1. The project shall contain a maximum of 62 residential units on approximately 25.3 acres at a gross density for the residential areas not to exceed approximately 4 units per acre as shown on the Conceptual Plan.
2. The minimum lot size shall be 5,100 square feet for single-family attached and 8,000 square feet for single-family detached units.
3. Minimum lot widths shall be 60 feet for single-family attached and 70 for single family detached units as shown for various type lots on the Conceptual Plan. Minimum lot depth shall be 85 feet for attached and 120 feet for detached units.
4. The minimum yard setbacks shall be as shown on the Conceptual Plan for the various types of units except as follows:

Front setback –20 feet attached and 25 feet detached;

Rear setback –10 feet attached and 25 feet detached; and
Side setbacks - minimum for attached of 0' feet for common walls and 10 feet for other side setbacks and detached of 5 feet shall be required.

5. Minimum distance between structures shall be 10 feet; measured from building wall to building wall and the roof overhang shall not exceed two feet.
 6. Corner lots shall have a minimum side yard setback of 10 feet from the public right-of-way.
 7. Accessory structures shall have a minimum rear and side setback of 5 feet and single accessory structures that are not attached to the principal structure shall not occupy more than 30 percent of the required rear yard.
 8. An attached screened enclosure must maintain a minimum setback of five (5) feet from the rear property line.
 9. The Planning staff as part of the plat review process shall have the ability to adjust final lot sizes and setbacks where necessary for the proper design of the project based on the general intent of the PUD for various type units.
 10. Impervious surface coverage for single-family attached shall not exceed 50 percent detached and 65 percent for attached residential uses. Other types of development may exceed this percentage; however, the overall project shall maintain open space of 30 percent
 11. Maximum building height shall not exceed two and one-half stories or 35 feet.
 12. Permitted Uses:
 - a. Single-family attached and detached dwellings;
 - b. Accessory structures;
 - c. Temporary modular sales center and construction office until completion project.
 - d. All residential units shall be developed through a subdivision plat.
 13. Based on the mix of housing types and lot sizes, this project complies with the diversity of housing required by the City's adopted Growth Management Plan, Future Land Use Element, Goal I, and Objective 1.2.
- B. Recreational Development
1. Recreational development provided on the site shall include active and passive uses, as well as enclosed or un-enclosed recreational space, devoted to the common use of the residents. Such recreation space shall consist of not less than two hundred (200) square feet of space per dwelling unit. In computing usable recreation space, the following items may be considered at one and twenty-five hundredths (1.25) times the actual area.
 - a. Recreational activities such as play grounds, basketball, tennis and hand ball courts, etc.
 - b. Developed recreational trails which provide access to the public trail system.
 - c. Swimming pool, including the deck area which normally surrounds such pools.

- d. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreation.
 2. Required stormwater areas and buffer areas shall not be considered as recreational space except for areas developed as recreational trails which provide access to the public trail system.
 3. Within each respective community, the single family community and the single family attached community, sidewalks or trails or a combination thereof shall be provided throughout the communities to provide pedestrian access from all residences to all amenities.
 4. Recreational vehicle parking shall be restricted through deed restrictions/covenants which shall prohibit unenclosed parking within the development unless an approved designated area is provided. If provided, the area shall be buffered and final location will be determined by staff as part of the Subdivision approval process.
- C. Open Space and Buffer Areas
1. All wetlands on the project site shall be identified and the location and extent of each wetland shall be determined by St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the preliminary plan application.
 2. Buildings or structures shall be a minimum of 50 feet from any wetland jurisdiction boundary.
 3. Wetlands shall have a minimum upland buffer as established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers
 4. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
 5. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
 6. A wildlife/historical/archaeological management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the preliminary plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.

7. To the extent practical, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, St. Johns River Water Management District or another legal entity such as a homeowners association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to St. Johns River Water Management District or another legal entity such as a homeowners association for ownership and maintenance.
8. Landscaping of the required buffer areas shall be as follows:
For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the Land Development Code.
 - a. Two (2) canopy trees and one ornamental tree.
 - b. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
 - c. Existing vegetation in the required buffer shall be protected during construction.
 - d. At minimum a six (6) foot solid PVC fence with landscaping shall be required adjacent to the eastern property line where any development occurs for a visual and security buffer for adjacent residential area. The fence shall include a continuous decorative cap and end column features where applicable. (See Exhibit D)
 - e. At minimum a three (3) foot decorative split rail type fence with landscaping including thirty (30) shrubs shall be required adjacent to the northern property line where any development occurs for a visual and restricted access buffer from Park Holland Road. The fence shall include decorative one foot square brick style post where applicable. (See Exhibit D)

D. Development Phasing

1. The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.
2. Implementation of the project shall substantially commence within 48 months of approval of this Planned Development. In the event, the conditions of the PUD have not been implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to RE-1 (Estate Density Residential) or another appropriate zoning classification less intense than the development permitted by these PUD Conditions.

3. **STORMWATER MANAGEMENT / UTILITIES**

Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

- A. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.
- B. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.
- C. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. A homeowners association is an acceptable maintenance entity.
- D. The 100-year flood plain shown on all plans and lots.
- E. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100 year flood plain is altered and /or a new 100 year flood elevation is established in reference to the applicable flood insurance rate map.
- F. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District.
- G. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
- H. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of utility infrastructure and other improvements related to the use and development of the property including such off site improvements required by the City, all of which shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.
- I. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all homes in the development.

4. TRANSPORTATION IMPROVEMENTS

- A. Vehicular access to the project site shall be provided by a minimum of one access point along Park Holland Road. Actual location and design of the access shall be determined during the Subdivision Plan review process and shall include consideration of sidewalks, recreation paths etc.
- B. The Permittee shall provide all necessary improvements/right-of-way/signalization within and adjacent to the development as required by the MPO, Lake County and City of Leesburg.
- C. All roads within the development shall be designed and constructed by the developer to meet the City of Leesburg requirements.
- D. Sidewalks shall be provided on one side of the local internal roads and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalks. All sidewalks shall be constructed in accordance with City of Leesburg Codes.

- E. The Permittee shall be responsible for obtaining all necessary Lake County permits and a copy of all permits shall be provided to the City of Leesburg prior to construction plan approval.
- F. The City of Leesburg will not be responsible for the maintenance or repair of any of the roads or transportation improvements unless specifically accepted by formal action of the City Commission. The single-family attached and detached dwellings community may provide for private roads. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- G. Should the Permittee desire to dedicate the proposed project's internal road system to the City of Leesburg; the City, at its discretion, may accept or not accept the road system. Prior to acceptance, the Permittee shall demonstrate to the City the road system is in suitable condition and meets City of Leesburg requirements. As a condition of accepting the roadway system the City may create a special taxing district or make other lawful provisions to assess the cost of maintenance of the system to the residents of the project, and may require bonds or other financial assurance of maintenance for some period of time.
- H. A traffic/transportation review shall be done and submitted to the MPO as part of the subdivision plan approval process to determine any necessary access improvements. Said improvements will be the responsibility of the Permittee.

5. **DESIGN REQUIREMENTS**

- A. Residential Development
 - 1. Building Design
 - a. All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the building:
 - 1) Dormers
 - 2) Gables
 - 3) Recessed entries
 - 4) Covered porch entries
 - 5) Cupolas
 - 6) Pillars or posts
 - 7) Bay window (minimum 12 inch projections)
 - 8) Eaves (minimum 6-inch projections)
- B. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of each building elevation shall be composed of one of the following (See Exhibit E Conceptual Elevations):
 - 1. At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
 - 2. At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.).

3. All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the community Development Director for compliance.
- C. Other similar design variations meeting the intent of this section may be approved by the Community Development Director.

6. MISCELLANEOUS CONDITIONS

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Development Conditions. Any other proposed use must be specifically authorized by the Planning Commission in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. These PUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- F. Any violation of City, State or Federal laws or permit requirements concerning the development of this project will constitute a violation of this permit and will result in all activities on the project site being halted until the violation is satisfactorily resolved and may result in a hearing before the Planning Commission to determine whether a change in the conditions of this PUD are necessary.

7. CONCURRENCY

As submitted, the proposed zoning change does not appear to result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (site plan and building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

- A. Utilities
 - 1) Projected Capacities
 - a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
 - b. If the development requires construction of new distribution mains, since existing facilities in the service area are not adequate, the developer will be required to construct such facilities to provide service. The developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.
- B. Commitment of Capacity

There are no previous commitments of any existing or planned excess capacity.
- C. Ability to Provide Services

The City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.

Exhibit B
Legal Description

THE EAST 324 FEET OF THE WEST 755 FEET OF THE NORTH 251.5 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 14, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LESS THE FOLLOWING DESCRIBED PARCEL: THE EAST 160 FEET OF THE WEST 705 FEET OF THE NORTH 251.5 FEET OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 14, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, ALSO LESS RIGHT OF WAY FOR PARK HOLLAND ROAD.
SAID PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR, IT IS VACANT PROPERTY

Alt key(s): 1772109

And:

FROM THE NORTHWEST CORNER OF GOVERNMENT LOT 2, IN SECTION 14, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, RUN SOUTH ALONG THE WEST LINE OF SAID SECTION FOR 20 FEET; RUN THENCE EAST PARALLEL TO THE NORTH LINE OF GOVERNMENT LOT 2 FOR 381.0 FEET FOR THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING RUN SOUTH PARALLEL TO WEST LINE OF SAID SECTION FOR 231.5 FEET; THEN TURN AN ANGLE TO THE WEST OF 89 DEGREES 46 MINUTES 50 SECONDS AND RUN 381.0 FEET TO THE WEST LINE OF SECTION; RUN THENCE SOUTH ALONG SAID WEST SECTION LINE FOR 1068 FEET, MORE OR LESS, TO THE SOUTH LINE OF GOVERNMENT LOT 2; RUN THENCE EAST ALONG SAID SOUTH LINE FOR 755 FEET; RUN THENCE NORTH, PARALLEL TO WEST LINE OF SAID SECTION FOR 1300 FEET, MORE OR LESS, TO A POINT THAT IS 374 FEET EAST OF THE POINT OF BEGINNING; RUN THENCE WEST 374 FEET TO THE POINT OF BEGINNING.

Alt key(s): 1289459

And:

THE WEST 381 FEET OF THE NORTH 251.5 FEET OF GOVERNMENT LOT 2 IN SECTION 14, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LYING SOUTHERLY OF THE RIGHT-OF-WAY OF PARK HOLLAND ROAD.

AND:

THAT PORTION OF THE NORTH 252.5 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LYING SOUTHERLY OF THE RIGHT-OF-WAY OF PARK HOLLAND ROAD.

LESS AND EXCEPT: ANY PORTION THEREOF LYING WITHIN THE BOUNDARY OF PICCIOLA PARK, A SUBDIVISION IN LAKE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 8, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 15 RUN THENCE SOUTH 00°43'27" WEST, 25.00 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 15 TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF PARK HOLLAND ROAD, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, DEPARTING SAID RIGHT-OF-WAY LINE CONTINUE THENCE SOUTH 00°43'27" WEST, 227.50 FEET ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 15 TO THE SOUTHEAST CORNER OF THE SAID NORTH 252.5 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 15; THENCE NORTH 89°28'18" WEST, 8.58 FEET ALONG THE SOUTH LINE OF THE SAID NORTH 252.5 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 15 TO A POINT ON THE EAST BOUNDARY OF SAID PICCIOLA PARK; THENCE NORTH 00°18'13" EAST, 10.53 FEET ALONG THE EAST BOUNDARY OF SAID PICCIOLA PARK TO THE NORTHEAST CORNER OF SAID PICCIOLA PARK; THENCE NORTH 89°44'57" WEST, 812.53 FEET ALONG THE NORTH BOUNDARY OF SAID PICCIOLA PARK; DEPARTING THE NORTH BOUNDARY OF SAID PICCIOLA PARK, RUN THENCE NORTH 01°18'28" EAST, 220.92 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PARK HOLLAND ROAD; THENCE SOUTH 89°28'18" EAST, 818.82 FEET ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF PARK HOLLAND ROAD TO THE POINT OF BEGINNING.

Alt key(s): 3857931 1383307

Exhibit C
Conceptual Development Plan

Exhibit D

Conceptual Fence East Boundary





Conceptual Fence North Boundary



Exhibit E
Conceptual Elevation Attached Residential



Conceptual Elevation Detached Residential



Exhibit E

Conceptual Elevation Attached Residential



Conceptual Elevation Attached Residential





AGENDA MEMORANDUM

Item No: 5B

Meeting Date: December 9, 2013

From: DC Maudlin, Interim Director of Public Works

Subject: Resolution approving operation of Golf Carts on City Streets

Staff Recommendation:

Staff recommends approval of an Ordinance authorizing operation of golf carts, utility vehicles and low-speed vehicles on City owned and maintained streets in the downtown area.

Analysis:

Florida Statute, Chapter 316 grants municipalities jurisdiction over all streets within city limits, except State and County roads. Operation of golf carts on public roads is regulated by Florida Statute, Section 316.212. This Statute provides regulatory guidance concerning minimum equipment requirements, hours of operation and driver qualifications.

Staff prepared a draft Ordinance authorizing operation of golf carts and low-speed vehicles on certain City streets. The draft Ordinance was presented for discussion during a Commission workshop on October 22nd. Commission guidance provided during the workshop has been incorporated into the Ordinance; a summary of the revisions follows:

- a. Registration and inspection – Requirements to register and inspect golf carts have been removed. Low-speed vehicles must be titled and registered by State Statute.
- b. Hours of operation – Hours of operation remain 30 minutes after sunrise to 30 minutes before sunset for carts not equipped with head lights and turn signals. Carts with head lights and turn signals can operate between the hours of 5:00 AM and 10:00 PM. The Ordinance has been revised to allow the City Manager to extend operating hours in conjunction with special events.
- c. Utility vehicles – Provisions authorizing special event permittees to operate utility vehicles in conjunction with preparing for, conducting and recovering from permitted special events have been added.
- d. Implementation Phasing – Implementation phasing has been condensed into two phases – Phase I, South of Main Street, becomes effective 30 days after passing the ordinance; Phase II, North of Main Street, becomes effective 60 days after passing the Ordinance.
- e. Driving age and Licensing– Driving age remains 16 years old. Operator must have driver's license or learner's permit and be accompanied by person with a driver's license.
- f. Insurance – Golf carts and utility vehicles operating on City streets must be insured.

The Ordinance authorizes golf carts on City streets in four downtown areas bounded by State and/or County roads. Movement between areas is contingent upon approval from FDOT, for US Highway 44 and US Highway 441, and the County for portions of Main Street. Staff will seek

authorization from FDOT to cross US 44 and US 441 and from the County to operate on Main Street from 14th Street to Dixie Avenue.

Options:

1. Approve the Ordinance authorizing operation of golf carts on City streets, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The engineering study to get FDOT approval for a golf cart crossing at Dixie Ave and Canal Street costs \$3,500; if authorized by FDOT, a study of the US 441 @ 3rd Street intersection will also cost \$3,500. Golf cart signage throughout the authorized area is estimated at \$10,000. This was not specifically budgeted in the current year, department will have to absorb the expense.

Submission Date and Time: 12/5/2013 8:45 AM

Department: Public Works Prepared by: <u>DC Maudlin</u> Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input type="checkbox"/> Dates: _____ Attorney Review : Yes <input type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head <u>X</u> Finance Dept. <u>BLM,</u> Deputy C.M. _____ Submitted by: City Manager _____	Account No. <u>001-5112-541-3130</u> Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

**ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, AUTHORIZING OPERATION OF GOLF
CARTS, UTILITY VEHICLES AND LOW SPEED VEHICLES ON
CERTAIN CITY OWNED AND MAINTAINED STREETS,
PRESCRIBING STANDARDS FOR EQUIPMENT REQUIRED
ON GOLF CARTS, UTILITY VEHICLES AND LOW SPEED
VEHICLES OPERATED ON CITY STREETS, REQUIRING THE
POSTING OF SIGNS PERTAINING TO WHERE GOLF CARTS,
UTILITY VEHICLES AND LOW SPEED VEHICLES MAY BE
OPERATED, PROVIDING FOR ENFORCEMENT, REPEALING
CONFLICTING ORDINANCES, PROVIDING A SAVINGS
CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, pursuant to Section 316.212, Florida Statutes, the City Commission has the power to adopt ordinances necessary to authorize operation of golf carts on designated City streets; and

WHEREAS, the City Commission finds that operating golf carts and utility vehicles on City streets is desirable to conserve energy, reduce automobile traffic and provide alternative modes of travel for its citizens; and

WHEREAS, the City Commission finds that it has considered factors regarding public safety, including the speed, volume and character of motor vehicle traffic using streets or roads designated for golf carts, utility vehicles and low speed vehicle traffic, and has determined that use of golf carts, utility vehicles and low speed vehicles in the areas permitted by this Ordinance will not present a danger to the public health, safety or welfare, and

WHEREAS, the City Commission desires to maintain a high quality of life for the citizens of Leesburg, Florida,

**NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF
LEESBURG, FLORIDA:**

SECTION I. DEFINITIONS.

Golf cart. Pursuant to F.S. Section 320.01(22) a "golf cart" is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

Low-speed vehicle. Pursuant to F.S. Section 320.01(42), a "low-speed vehicle" is any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low speed vehicles must conform to the safety standards in 49 C.F.R. 571.500 and F.S. Section 316.2122.

Utility vehicle. Pursuant to F.S. Section 320.01(43), a "utility vehicle" is a motor vehicle designed and manufactured for general maintenance, security, and landscaping purposes, but the term does not include any vehicle designed or used primarily for the transportation of persons or property on a street or highway, or a golf cart, or an all-terrain vehicle as defined in F.S. Section 316.2074.

SECTION II. GOLF CARTS.

- (1) Golf carts may be operated on City owned streets, within the following areas, where the posted speed limit is 25 miles per hour or less.
 - a. **SOUTH OF DIXIE AVENUE (SR 44):**
An area bounded on the North by Dixie Avenue (SR 44) to its intersection with Lake Port Boulevard, on the East by Lake Port Boulevard at its intersection with Dixie Avenue (SR 44) thence Southerly along Lake Port Boulevard to its end, on the South by Lake Harris, and on the West by 14th Street (US Highway 27).
 - b. **SOUTH OF MAIN STREET & NORTH OF DIXIE AVENUE (SR 44):**
An area bounded on the North by Main Street, on the East by Dixie Avenue (SR 44) on the South by Dixie Avenue (SR 44) and on the West by 14th Street (US Highway 27).
 - c. **NORTH OF MAIN STREET:**
An area bounded on the South by Main Street, on the East by Dixie Avenue (SR 44) on the North by North Boulevard (US Highway 441) to its intersection with Perkins Street, and on the West by the following: Perkins Street from its intersection with North Boulevard (US Highway 441) thence South along Perkins Street to Edmonds Street, thence Westerly along Edmonds Street to Sunshine Avenue, thence Northwesterly along Sunshine Avenue to 14th Street (US Highway 27) thence Southerly along 14th Street (US Highway 27) to its intersection with Main Street.
 - d. **NORTH OF NORTH BOULEVARD (US HIGHWAY 441)**
An area bounded on the South by North Boulevard (US Highway 441), on the East from the intersection of North Boulevard (US Highway 441) and North Lake Avenue thence North along North Lake Avenue to Bentley Road, thence West along Bentley Road to Stehle Road to the City limits; on the North by Lake Griffin and on the West by Beverley Point Road thence Southerly along Beverley Point Road to North Shore Road thence along North Shore Road to US Highway 441.
- (2) Golf carts must be operated on City streets, not on adjacent sidewalks. In addition, golf carts are authorized on the walkway and bridges connecting Ski Beach with Dozier Circle in Venetian Gardens.
- (3) All golf carts operated within the City limits of Leesburg shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rear view mirror, red reflectorized warning devices on the front and rear of the vehicle, brake lights and a windshield.
- (4) Operators of golf carts equipped as described above must use standard hand and arm signals to advise other motorists of their intention to turn or change lanes.
- (5) Golf carts equipped as described in (3) above may operate on City streets anytime between 30 minutes after sunrise to 30 minutes before sunset.
- (6) Golf carts equipped with head lights, tail lights and turn signals in addition to items in (3) above may operate on City streets anytime between 5:00 AM and 10:00 PM. The City Manager may extend hours of operation in conjunction with special events. The request

to extend hours will be included in the special event permit application and the modified hours of operation will be specified in the approved permit.

- (7) Drivers of a golf cart must be at least 16 years old. All drivers of golf carts must possess either a valid driver's license or a valid learner's permit. A driver of a golf cart who holds only a learner's permit must be accompanied at all times by a passenger holding a valid driver's license. Notwithstanding anything herein to the contrary, however, any individual whose driver's license has been suspended or revoked, may not operate a golf cart within the City unless and until the suspension or revocation of his or her driver's license is lifted and a valid driver's license is issued.
- (8) Golf carts may not be operated on State or County roads within the city limits or on sidewalks adjacent to state or county roads within city limits. Golf carts may not cross State or County owned roads unless specifically permitted by the Florida Department of Transportation or Lake County respectively
- (9) This ordinance does not regulate operation of golf carts in gated communities with private roads.

SECTION III. LOW-SPEED VEHICLES.

- (1) Low-speed vehicles may be operated within the City limits where the posted speed limit is 35 miles per hour or less, as permitted by and under the conditions established in F.S. Section 316.2122. Pursuant to F.S. Section 316.2122(1), this does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit more than 35 miles per hour.
- (2) According to the requirements set forth in F.S. Section 316.2122, a low-speed vehicle must be equipped with head lights, break lights, turn signal lamps, reflex reflectors, parking brakes, rear view mirrors, windshield, seat belts and vehicle identification numbers. A low-speed vehicle must be registered and insured in accordance with F.S. Section 320.02. Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.
- (3) Low-speed vehicles may be operated at any time.

SECTION IV. UTILITY VEHICLES

- (1) A utility vehicle may be operated by a Special Event Permittee or its agents on City streets within the special event area while preparing for, conducting, or recovering from a permitted special event.
- (2) A utility vehicle must be equipped with efficient brakes, reliable steering, safe tires, a rear view mirror, red reflectorized warning devices in front and rear, brake lights and a windshield.
- (3) A utility vehicle may be operated by a special events permittee from 30 minutes after sunrise to 30 minutes before sunset.
- (4) A utility vehicle equipped with head lights, break lights and turn signals, in addition to (2) above, may operate between the hours of 5:00 AM and 10:00 PM. The City Manager, via an approved special event permit, may extend operating hours.
- (5) A utility vehicle may not be operated on City streets by anyone under the age of 16. All operators of utility vehicles must possess a valid Florida driver's license.

SECTION V. INSURANCE.

Before golf carts and utility vehicles may be operated on City streets, the owners thereof must purchase and maintain liability insurance insuring against personal injury and damage to property of any nature relative to the operation of the same on the designated public roads and streets. The insurance required to operate a golf cart or utility vehicle under this Ordinance shall provide liability limits equal to or greater than the limits required for motor vehicles registered in the State of Florida being operated for personal use.

SECTION VI. ENFORCEMENT.

- (1) Golf carts, utility vehicles and low-speed vehicles shall comply with all local and state traffic laws, and may be cited for traffic violations in the same manner as other vehicles.
- (2) Enforcement of infractions of this Section shall be as provided in Chapter 316, Florida Statutes, as may be amended. At its option the City may also issue notices of violation and process those violations through its code enforcement procedures before its Special Magistrate.

SECTION VII.

If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of this ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION VIII.

All ordinances or parts of ordinances which are in conflict with this ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinances, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IX.

To allow proper posting of signage it is necessary to phase implementation of this ordinance by area.

This ordinance shall become effective in the areas South of Main Street 30 days after its passage and adoption; in the areas North of Main Street 60 days after its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the ____day of _____, 2013.

THE CITY OF LEESBURG

By: _____
Mayor

ATTEST:

City Clerk



AGENDA MEMORANDUM

Item No: 5C.

Meeting Date: December 9, 2013

From: Brandy MCDaniel, Budget Manager

Subject: Ordinance amending the fiscal year 2012-13 budget for the General, Debt Service, Capital Projects, Electric, Gas, Water, Wastewater, Communications, Discretionary Sales Tax and Gas Tax Funds for the Fourth Quarter.

Staff Recommendation:

Staff recommends adopting the attached ordinance amending the Fiscal Year 2012-13 budget for the General, Debt Service, Capital Projects, Electric, Gas, Water, Wastewater, Communications, Discretionary Sales Tax and Gas Tax Funds for the Fourth Quarter.

Analysis:

As established in the Budget Policy, adopted September 28, 1998, total appropriations within a fund cannot increase or decrease without formal action by the City Commission.

These budget adjustments are required due to the following changes:

Fund	Amount	Source
General:		
US Dept of Justice Grant- 6 in car video systems & 1 replacement microphone (Police)	\$ 25,565	Federal Grant
Fuel Purchases (Marina)	23,000	Charges for Services
Ad Valorem Tax Revenue associated with CRA's	(212,919)	Taxes
Debt Service	74,250	Fund Balance
Lake Sumter MPO	2,375	Transfer from Gas Tax
IT Software for Smartgrid	<u>1,068</u>	Transfer from Electric
Total General Fund	\$ (86,661)	
Debt Service:		
Debt Service	\$ 45,432	Transfer from General Fund, Reserve for Future Use
2004 Bond Refinance Fees	<u>324,728</u>	Debt Proceeds
Total Debt Service Fund	\$ 370,160	

Capital Projects:

Susan Street Lighting Project	\$ 72,950	Transfer from LOOP
Airport Bond Funds from 2013 Refinance	<u>9,184</u>	Debt Proceeds
Total Capital Projects Fund	\$ 82,134	

Electric:

Communications Smartgrid Project	\$ 5,372	Department of Energy (DOE), Debt Proceeds
IT Software for Smartgrid	1,068	Department of Energy (DOE), Debt Proceeds
2007 Additional Bond Proceeds due to interest	<u>9,872</u>	Debt Proceeds
Total Electric Fund	\$ 16,312	

Gas Fund:

Cutrale Settlement	\$1,180,008	Fund Balance
2007 Additional Bond Proceeds due to interest	<u>7,071</u>	Debt Proceeds
Total Gas Fund	\$1,187,079	

Water Fund:

2007 Additional Bond Proceeds due to interest	\$ <u>14,710</u>	Debt Proceeds
Total Water Fund	\$ 14,710	

Wastewater Fund:

2007 Additional Bond Proceeds due to interest	\$ <u>20,381</u>	Debt Proceeds
Total Wastewater Fund	\$ 20,381	

Communications Fund:

Communications Smartgrid Project	\$ <u>5,372</u>	Transfer from Electric
Total Communications Fund	\$ 5,372	

Discretionary Sales Tax Fund:

Susan Street Lighting Project	\$ <u>72,950</u>	Fund Balance
Total Discretionary Sales Tax	\$ 72,950	

Gax Tax Fund:

Lake Sumter MPO	\$ <u>2,375</u>	Fund Balance
Total Gas Tax Fund	\$ 2,375	

Options:

1. Adopt the attached ordinance amending the fiscal year 2012-13 budget for the General and Capital Projects Funds, or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The following funds will increase/decrease as seen below:

	FY 2013 <u>ADOPTED</u>	<u>CHANGE</u>	FY 2013 <u>AMENDED</u>
General	24,636,287	(86,661)	24,549,626
Stormwater	3,437,199	-0-	3,437,199
Greater Leesburg CRA	607,380	-0-	607,380
Carver Heights CRA	2,226,300	-0-	2,226,300
Hwy 441/27 CRA	1,127,040	-0-	1,127,040
Debt Service	2,600,818	370,160	2,970,978
Capital Projects	5,199,813	82,134	5,281,947
Electric	77,244,400	16,312	77,260,712
Gas	10,567,087	1,187,079	11,754,166
Water	12,025,405	14,710	12,040,115
Wastewater	12,130,994	20,381	12,151,375
Communications	2,526,822	5,372	2,532,194
Solid Waste	3,666,759	-0-	3,666,759
Police Pension	1,335,821	-0-	1,335,821
Fire Pension	1,429,917	-0-	1,429,917
General Employees Pension	2,737,439	-0-	2,737,439
Health Insurance	6,211,998	-0-	6,211,998
Workers' Compensation	1,198,921	-0-	1,198,921
Discretionary Sales Tax	1,721,624	72,950	1,794,574
Gas Tax	940,093	2,375	942,468
Police Impact Fees	22,486	-0-	22,486
Recreation Impact Fees	50,000	-0-	50,000
Building Permits	438,870	-0-	438,870
Police Education Receipts	15,000	-0-	15,000
Fleet Services	3,721,592	-0-	3,721,592
Magnolia Townhomes	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Total	\$177,820,065	\$1,684,812	\$179,504,877

Submission Date and Time: 12/5/2013 8:45 AM

Department: _____ Prepared by: <u>Brandy McDaniel</u> Attachments: Yes___ No___ Advertised: ___ Not Required ___ Dates: _____ Attorney Review : Yes___ No___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. <u>various</u> Project No. _____ WF No. _____ Budget _____ Available _____
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AGENDA MEMORANDUM

Date: December 9, 2013

Item No: 5D.

From: DC Maudlin, Interim Director of Public Works

Subject: Ordinance altering the size and location of the no-wake zone in Venetian Cove

Staff Recommendation:

Staff recommends approval of an amendment to Section 15-9 of the Code of Ordinances altering the size and location of the no-wake zone in Venetian Cove.

Analysis:

The speed of marine traffic in Venetian Cove is currently restricted "no-wake" at all hours. Changes to established restricted areas are governed by Section 327.46 F.S. "Boating-Restricted Areas" and Chapter 68D-21 FAC, "Approval of Local Ordinances Establishing Boating Restricted Areas". The governing agency is Florida Fish and Wildlife (FF&WL) – Boating and Waterways Section. The US Army Corps of Engineers, Jacksonville District and US Coast Guard, Miami Field Office also have review responsibilities.

Establishing a no-wake zone within 500 feet of any public boat ramp or any fuel dispenser selling fuel to the general public is authorized by Section 327.46 F.S. The eastern most point of the proposed no-wake zone is 500 feet from the fuel dispenser at the Leesburg marina. The western most point is 300 feet from the public boat ramp. This proposal is within the criteria established by Section 327.46 F.S.

On June 6, 2013, staff conducted a test to measure the effect at the boat ramp and the marina of a boat moving at high speed just outside the proposed no-wake zone. The proposed no-wake zone was marked with buoys; the City's 22 ft, 200 hp boat made multiple passes, at full throttle just outside the proposed no-wake zone. Staff observed virtually no impact at the boat ramp and minor disturbance at the marina. Staff's opinion is adoption of this amendment will not impact boat ramp operations. Multiple boats operating at full speed may impact the most exposed slips at the marina. Some sort of wake attenuation system may be warranted.

The Leesburg Police Department, using the city boat, can enforce the no-wake zone within the Cove. In addition, this Ordinance includes delegation of enforcement authority to the Lake County Sheriff. The Ordinance was coordinated with the Sheriff's office.

Options:

1. Approve the amendment altering the no-wake zone in Venetian Cove.
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact: This amendment will have no direct fiscal impact. If, after implementation, a wave attenuation system is needed at the marina, purchase and installation of a system would cost approximately \$85,000.

Submission Date and Time: 12/5/2013 8:45 AM

Department: _____ Prepared by: _____ Attachments: Yes____ No ____ Advertised: _____ Not Required _____ Dates: _____ Attorney Review : Yes____ No ____ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM,</u> _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING §15 – 9 OF THE CODE OF ORDINANCES PERTAINING TO RESTRICTED AREAS ON CERTAIN WATERWAYS WITHIN THE CITY, TO ALTER THE DESCRIPTION OF THE RESTRICTED AREA WITHIN THE VENETIAN GARDENS COVE AND REDUCE THE SIZE OF THE NO WAKE ZONE IN THAT AREA; ADDING A SUBSECTION TO §15 – 9 TO DELEGATE TO THE LAKE COUNTY SHERIFF THE AUTHORITY, CONCURRENT WITH THE LEESBURG POLICE DEPARTMENT, TO ENFORCE §15 – 9; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes, the City Commission of Leesburg, Florida has the home rule power to adopt ordinances necessary for the protection of the health, safety and welfare of its citizens; and

WHEREAS, pursuant to §327.46, Fla. Stat., the City Commission has the power to adopt ordinances necessary to establish certain enumerated boating restrictions on waterways within its boundaries; and

WHEREAS, the City Commission finds that vessel speeds and wake should be restricted within the boundaries permitted per Section 327.46, Florida Statutes, from a municipally owned public boat ramp and fuel dispenser open to the general boating public to protect the health, safety and welfare of the citizens of Leesburg, Florida; and

WHEREAS, the City Commission desires to protect the health, safety and welfare of the public and maintain a high quality of life for the citizens of Leesburg, Florida,

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

§15 – 9 of the Code of Ordinances of the City of Leesburg, Florida, is hereby amended as indicated below:

Sec. 15-9. - Restricted areas on certain waters within the city.

(a) Restricted areas designated. The following waterways within the corporate limits of the City of Leesburg are "restricted areas":

- (1) That area of Venetian Gardens Cove ~~from the entrance of same at Monkey Island on Big Lake Harris northward;~~ described below:

Beginning at a point on the easterly shoreline of Venetian Gardens Cove, said point having a coordinate of 28° 48.13686' North Latitude and -81° 52.22301' West Longitude, WGS 84 DATUM; thence run westerly to a point having a coordinate of 28° 48.12541' North Latitude and -81° 52.30711' West Longitude, WGS 84 DATUM; thence, run northwesterly to a point having a coordinate of 28° 48.28488' North Latitude and 81° 52.44563' West Longitude, WGS 84 DATUM, and also being on the northerly shoreline of Venetian Gardens Cove located on Big Lake Harris; thence, meandering along said shoreline northeasterly and southeasterly to the point of beginning.

- (2) That portion of the 9th Street Canal beginning at its entrance on Big Lake Harris at 28°47'34" North Latitude 81°52'50" West Longitude;
- (3) That portion of the Herlong Park Canal on Lake Griffin extending from the launch ramp northward to 28°48'54" North Latitude 81°52'07" West Longitude.

(b) Definitions.

- (1) **Restricted areas** are areas on waterways where the speed of vessels is limited to "slow down/minimum wake" or "idle speed/no wake."
- (2) **Wake** means visible track of turbulence and consequent lateral waves left by passage of a vessel through water.
- (3) **No wake** means that vessel speed which is the minimum required to maintain headway and does not produce a wake.
- (4) **Minimum wake** means that a vessel is operated at such a speed that the track of turbulence and lateral waves produced by the passage of the vessel through the water is of the lowest height possible above the surface of the water.
- (5) **Vessel wake** is the movement of waves created by the motion of the vessel. It is the track or path that the vessel leaves behind it.

(c) Civil penalty. Violations of the restrictions imposed by this section are non-criminal infractions. The civil penalty for any such infraction is thirty-five dollars (\$35.00). Any person cited for a violation shall be cited to appear before county court the Special Magistrate of the City of Leesburg in a Code Enforcement proceeding. Authority is granted to the Leesburg Police Department, and the Sheriff of Lake County, to enforce this Ordinance and to issue citations for violations.

(d) Restrictions applicable to 9th Street Canal restricted waterway area. The following restrictions shall apply to the 9th Street Canal restricted waterway area:

Beginning at 28°48'08" North Latitude and 81°28'42" West Longitude the speed of vessels proceeding in any direction shall be restricted to "idle speed/no wake."

Beginning at 28°47'59" North Latitude and 81°53'01" West Longitude the speed of vessels proceeding in any direction shall be restricted to "idle speed/no wake."

Beginning at 28°47'59" North Latitude and 81°52'54" West Longitude the speed of vessels proceeding in any direction shall be restricted to "slow speed/minimum wake."

Beginning at 28°47'52" North Latitude and 81°52'59" West Longitude the speed of vessels proceeding in any direction shall be restricted to "slow speed/minimum wake."

Beginning at 28°47'34" North Latitude and 81°52'50" West Longitude the speed of vessels proceeding in a northerly direction shall be restricted to "slow speed/minimum wake."

(e) Restrictions applicable to Venetian Gardens Cove restricted waterway area. The following restrictions shall apply to the Venetian Gardens Cove restricted waterway area:

The ~~entire~~ area of the Venetian Gardens Cove described above, and all intersecting canals, ~~lying northward of a line, commencing at the point on the westerly shore which lies closest to the shore of Monkey Island, and continuing in a straight line from said point of commencement to the closest point thereto lying on Monkey Island and continuing in a straight line to the easterly shore and terminus of such line,~~ is hereby designated an "idle speed/no wake" zone at all hours.

(f) Restrictions applicable to Herlong Park Canal restricted waterway area. The following restrictions shall apply in the Herlong Park Canal restricted waterway area:

Beginning at 28°48'54" North Latitude and 81°52'07" West Longitude the speed of vessels proceeding in a southerly direction shall be restricted to "slow speed/minimum wake."

Beginning at 28°48'52" North Latitude and 81°52'07" West Longitude the speed of vessels proceeding in a northerly direction shall be restricted to "slow speed/minimum wake" and the speed of vessels proceeding in a southerly direction shall be restricted to "idle speed/no wake."

(g) Posting of signs. Signs reflecting these restrictions shall be posted at each location.

(h) Discretion to be used in lawful manner. Upon written application by a person or organization, demonstrating a good and sufficient reason, the Chief of Police or the Public Works Department director may grant exceptions to the restrictions imposed

by this Ordinance, for specifically limited dates and times, during which an event is to be held which requires that vessels be permitted to exceed the restrictions of this Ordinance. As a condition of granting such an exception, the applicant may be required to have law enforcement officers present at the event, and if it is determined by the Chief of Police at any time that the event poses a danger to the public health, safety or welfare, the exception may be terminated whereupon the event must cease at once. The discretion granted to the Public Works Department director, and to the Chief of Police under this section, to grant exceptions, require the presence of police officers at a function, or terminate any ~~permit~~ exception issued under subsection (h) of this section, may be exercised for any purpose or in any manner which is lawful under the Constitution or laws of the United States or the state, but shall not be exercised in an arbitrary or capricious manner. Such discretion shall be exercised with regard to the protection of life, limb and property, and the preservation of the public safety, health and welfare, according to the judgment of the Public Works Department director and the Chief of Police based on the facts and circumstances of each case.

SECTION II.

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION III.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION IV.

This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
MAYOR

Attest: _____
CITY CLERK



AGENDA MEMORANDUM

Item No: 5E.

Meeting Date: December 9, 2013

From: Adrian Parker, Development Review Coordinator

Subject: Ordinance amending Section 18-105 and 18-106 of the Code of Ordinances, pertaining to sidewalks, to allow approval of alternative materials for sidewalks at the request of the developer.

Staff Recommendation:

Staff recommends approval of the referenced amendment to the Code of Ordinances amending Section 18-105 and 18-106.

Analysis:

The Urgent Care Center project for LRMC has proposed a resilient surface perimeter sidewalk to allow more comfortable use of the sidewalk as an exercise path. There is no provision in the current Code of Ordinances to allow such an alternative. Staff believes that it is appropriate to allow such alternatives under certain conditions.

Approval of this amendment will allow alternative materials to be used at the request of the developer. For any sidewalk for which alternative materials are allowed, the property owner must enter into a maintenance agreement with the City under which the property owner and successor owners shall bear all responsibility and expense for maintaining sidewalks constructed of alternative materials.

Options:

1. Approve the recommended amendment to the Code of Ordinances Section 18-105 and 18-106; or,
2. Such alternative action as the Commission may deem appropriate.

Fiscal Impact: None

Submission Date and Time: 12/5/2013 8:45 AM

Department: <u>Public Works</u> Prepared by: <u>Tracey Dean</u> Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Advertised: <input type="checkbox"/> Not Required <input checked="" type="checkbox"/> Dates: _____ Attorney Review : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING §§18 – 105 AND 18 – 106 OF THE CODE OF ORDINANCES, PERTAINING TO SIDEWALKS, TO ALLOW APPROVAL OF ALTERNATIVE MATERIALS FOR SIDEWALKS AT THE REQUEST OF THE DEVELOPER, REQUIRING THAT FOR ANY SIDEWALKS FOR WHICH ALTERNATIVE MATERIALS ARE ALLOWED, THE PROPERTY OWNER MUST ENTER INTO A MAINTENANCE AGREEMENT WITH THE CITY UNDER WHICH THE PROPERTY OWNER AND SUCCESSOR OWNERS SHALL BEAR ALL RESPONSIBILITY AND EXPENSE FOR MAINTAINING SIDEWALKS CONSTRUCTED OF ALTERNATIVE MATERIALS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA:

SECTION I.

§18 – 105 of the Code of Ordinances of the City of Leesburg, Florida, is hereby amended to add subsection 3 to read as follows:

(3) If the City of Leesburg approves a sidewalk material other than that specified in section 18-106 (d) (1)-(6), the property owner shall enter into a maintenance agreement with the City of Leesburg for that portion of sidewalk constructed within the right of way that does not conform to the aforesaid Section 18-106. The maintenance agreement shall provide that all future repair and maintenance of any sidewalk constructed of an alternative material shall be the responsibility of the owner/developer and successor owners. To assure it is binding on successor owners, any such maintenance agreement shall run with the land and must be recorded in the Public Records of Lake County, Florida, at the expense of the owner or developer.

SECTION II.

§18 – 106 of the Code of Ordinances of the City of Leesburg, Florida, is hereby amended to add subsection 7 to read as follows:

(7) Alternative sidewalk material proposed by any developer or property owner shall be reviewed through the City of Leesburg Development Review Process for compliance with acceptable engineering standards. If an alternative material is accepted by the Public Works Department a maintenance agreement shall be required per Section 18-105(3).

SECTION III.

All ordinances or part of ordinances which are in conflict with this Ordinance are hereby repealed, to the extent necessary to alleviate the conflict, but shall continue in effect insofar as they are not in conflict herewith, unless repeal of the conflicting portion destroys the overall intent and effect of any of the conflicting ordinance, in which case those ordinances so affected shall be hereby repealed in their entirety.

SECTION IV.

If any portion of this Ordinance is declared invalid or unenforceable, and to the extent that it is possible to do so without destroying the overall intent and effect of this Ordinance, the portion deemed invalid or unenforceable shall be severed herefrom and the remainder of the ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

SECTION V.

This Ordinance shall become effective upon its passage and adoption according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
MAYOR

Attest: _____
CITY CLERK



AGENDA MEMORANDUM

Item No: 5F.

Meeting Date: December 9, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending the PUD (Planned Unit Development) zoning for the Hidden Harbor Mobile Home Park, to add eight additional boat slips (Hidden Harbor Mobile Home Park,).

Staff Recommendation:

The Planning staff and the Planning Commission recommend approval of the proposed amended to Section 2. LAND USE B.2) Recreational Development to add eight additional boat slips for a total of eighteen for the PUD (Planned Unit Development) zoning for the subject property.

Analysis:

The project site is approximately 17 acres. The property is generally located east of U.S. 27, west of Lake Harris and south of Magnolia Avenue as shown on the attached General Location Map. The present zoning for this property is City PUD (Planned Unit Development). The current use of the property is an age restricted mobile home development. The adjacent properties zoning and land use designations are not affected by the proposed amendment.

The proposed amended PUD (Planned Unit Development) zoning is compatible with the with the existing future land use designation of City Residential High Density and Conservation.

The existing land uses surrounding the property are undeveloped, mini-storage units and single family residential.

The development has City utilities.

By a vote of 4 to 0 on November 21, 2013, the Planning Commission voted to recommend approval.

Options:

1. Approve the proposed amended PUD (Planned Unit Development) zoning thereby adding eight (8) additional boat slips.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There is a positive fiscal impact to the City through the continued development of this property.

Submission Date and Time:

<p>Department: Community Development Prepared by: Bill Wiley AICP Attachments: Yes <u>X</u> No _____ Advertised: _____ Not Required _____ Dates: _____ Attorney Review : Yes <u>X</u> No _____ _____ Revised 6/10/04</p>	<p>Reviewed by: Dept. Head <u>BW</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____</p>	<p>Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____</p>
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AN EXISTING PUD (PLANNED UNIT DEVELOPMENT) FOR HIDDEN HARBOR MOBILE HOME PARK TO ADD EIGHT (8) ADDITIONAL BOAT SLIPS FOR A TOTAL OF EIGHTEEN (18) ON APPROXIMATELY 17 ACRES FOR A PROPERTY LOCATED EAST OF U.S. 27, WEST OF LAKE HARRIS AND SOUTH OF MAGNOLIA AVENUE, LYING IN SECTION 11, TOWNSHIP 20 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (Hidden Harbor)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of the GW Real Estate Holding, LLC (Gary Wickman), the petitioner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby amended **to** the revised PUD (Planned Unit Development) zoning district subject to conditions contained in Exhibit A, to-wit:

(See attached Legal Description Exhibit B)

HIDDEN HARBOR TOWNHOMES Plat.

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG

By: _____
David Knowles, Mayor

ATTEST:

Betty Richardson, City Clerk

**HIDDEN HARBOR MOBILE HOME PARK
PLANNED UNIT DEVELOPMENT CONDITIONS**
June 16, 2011
Revised November 21, 2013

This Planned Unit Development Conditions for a PUD (Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to GW Real Estate Holding, LLC (Gary Wickman), "Permittee" for the purposes and terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-278 "Planned Unit Development " of the City of Leesburg Land Development Code, as amended.

BACKGROUND: The "Permittee" is desirous of obtaining a Planned Unit Development (PUD) zoning district for a mobile home park development consisting of a maximum of 44 detached single-family age restricted manufactured units on approximately 17 acres generally located east of U.S. 27, west of Lake Harris and south of Magnolia Avenue, on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

1. **PERMISSION** is hereby granted to GW Real Estate Holding, LLC (Gary Wickman), to construct, operate, and maintain a Planned Unit Development in and on real property in the City of Leesburg. The property is generally located east of U.S. 27, west of Lake Harris and south of Magnolia Avenue. The property is more particularly described as follows:

LEGAL DESCRIPTION:

See attached legal Exhibit B.

2. **LAND USE**

The above-described property, containing approximately 17 acres, shall be used for single-family detached residential manufactured home uses, pursuant to City of Leesburg development codes and standards.

- A. **Residential Development**

- 1) The project shall contain a maximum of 44 detached single-family detached age restricted (55 years old or older) manufactured units at a gross density not to exceed 2.6 units per acre.
 - 2) The minimum sites shall be as approved as per these conditions and as on the conceptual plan dated May 2011 Exhibit E.
 - 3) The following minimum site standards shall be maintained:
 - a. **Overall Park Site Boundaries**
North setback from property boundaries – 10 feet;
South and west setback from property boundaries – 10 feet;
East setback – 50 feet from wetlands line; and
 - b. **Manufactured Housing units**
Front setback – 25 feet from edge of pavement
 - c. Separation between units.
 1. Mobile homes shall maintain a setback between units of ten (10) feet;
 - d. **Unit Site**

1. Each mobile home site shall consist of usable area of not less than four thousand (4,000) square feet exclusive of all roadways, common recreation areas or common parking areas;
 2. Each lot shall have not less than forty (40) feet of frontage on a park street except that 10% of the lots may have thirty (30) feet.
 - e. The size of the required total recreation area shall be based upon a minimum of one hundred fifty (150) square feet for each unit. No outdoor recreation area including pool area shall contain less than four thousand five hundred (4,500) square feet;
- 4) Impervious surface coverage for single-family detached shall not exceed 65 percent. Open space shall be a minimum of 25 percent.
 - 5) Maximum building height shall not exceed 35 feet.
 - 6) An attached screened enclosure (no solid roof) must maintain a minimum setback of five (5) feet from the side and rear property line.
 - 7). Permitted Uses:
 - a. Single-family detached age restricted (55 years old or older) double-wide manufactured units;
 - b. Accessory structures;
 - c. A sales office and/or model center shall be a permitted use as long as it is specifically related to the PUD residential development of the site.
- B. Recreational Development
- 1) Recreational development shall include an active pool/cabana area and passive park area for the development.
 - 2) Community docks shall be limited to one dock with eighteen slips and one board walk through the wetlands in accordance with Section C.
 - 3) Design of the site shall include a naturally vegetated landscape buffer of at least ten (10) feet along the northern boundary of the property, for the purpose of separating this development from the single family development to the north.
 - 4) Recreational vehicle parking shall be prohibited within the development unless vehicles are parked within an enclosed structure or within a designated storage area for the development which is properly buffered and screened to include the fencing as shown in Exhibit E. However, vehicles may temporarily park at units for no more than forty-eight hours for loading and unloading purposes. However, recreational vehicle units parked temporarily for loading or unloading shall not be utilized for living purposes nor connected to power, water or other utilities.
- C. Wetlands Areas
- 1) All wetlands on the project site shall be identified and the location and extent of each wetland shall be determined by the Department of Environmental Protection, St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the preliminary plat application.

- 2) Buildings or structures shall be a minimum of 50 feet from any wetland jurisdiction boundary.
- 3) Wetlands shall have a minimum upland buffer of 25 feet or the upland buffer established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.
- 4) Land uses allowed within the upland buffers are limited to fishing piers, docks, hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
- 5) If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
- 6) A wildlife management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The wildlife management plan shall be submitted to the City as part of the preliminary plat application. The Permittee shall designate a responsible legal entity that shall implement and maintain the wildlife management plan.

3. DRAINAGE AND UTILITIES

- A. A Master Site Drainage Plan and Utility Implementation Plan acceptable to the City of Leesburg prior to removal, renovation or demolition of any existing development on the site has been provided by the permittee providing the following:
 - 1) A detailed site plan demonstrating no direct discharge of stormwater runoff generated by the development into any natural surface waters or onto adjacent properties.
 - 2) A detailed site plan indicating all provisions for electric, water, sewer, and natural gas in accordance with the site plan review process as required by the City of Leesburg Code of Ordinances.

4. TRANSPORTATION IMPROVEMENTS

- A. If future redevelopment of the property is desired, any transportation improvements including but not limited to signalization, signage or turn lanes shall be contingent upon site plan approval by City of Leesburg staff during development review/permit application. All required transportation improvements shall comply with regulations of the City of Leesburg, Lake County, and/or the Florida Department of Transportation as applicable.
- B. The traffic/transportation study has been reviewed to determine any necessary access improvements, including any off site improvements required by FDOT, Lake County, the MPO or the City of Leesburg. Said improvements are the responsibility of the Developer.

5. LANDSCAPING AND BUFFER REQUIREMENTS

- A. Any required landscaping and buffering, if applicable, shall be in accordance with the approved regulations contained within the City of Leesburg Code of Ordinances.
- B. The northern property line shall have a ten (10) foot landscape buffer with a six (6) foot decorative PVC fence with decorative posts and caps as seen on Exhibit D with landscape canopy trees installed along the property line. The exact location of the fence shall be determined after reviewing the location of existing trees that may be incorporated into the buffer area.
- C. The western property line shall use the existing rear walls of the storage units as a buffer.
- D. Landscaping of the required southern buffer area shall be as follows:
For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the Land Development Code.
 - 1) Two (2) canopy trees, two (2) understory trees, thirty (30) shrubs
 - 2) The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
- E. Variations to the landscape and buffer requirements of the code may be approved by the Community Development Director because of the existing development of the property as long as the intent of the PUD and the code are maintained.

6. COMMON PROPERTY MANAGEMENT & MAINTENANCE

- A. With the exception of public streets, utilities and sidewalks, maintenance of all site improvements, including but not limited to, drives, internal sidewalks, landscaping and drainage shall be the responsibility of the developer/owner..
- B. A "General Common Element" means a portion of the common property, intended for the general use of all of the residents. The following portions of the property are designated as General Common Elements and shall be the responsibility of the developer/owner; however this list is not all inclusive and does not limit the general statements which precede it:
 - 1) The access and utility easements identified as belonging to the development as designated on the site plan and privately shared access ways within the property, including the any access and utility easements;
 - 2) All sidewalks, curbs, gutters, drainage systems, mailboxes, any lateral water and sewer lines, retaining walls, common parking areas (if any), and community facilities;
 - 3) All landscaped areas.

7. DESIGN REQUIREMENTS

- A. Residential Development
 - 1) Building Design
 - a. Single family detached units shall be designed with elevations that are the same or similar to the attached elevations Exhibit C. All units shall have front porches unless an alternate elevation is approved by the Community Development Director which meets the intent of this section.
 - b. Minimum living areas (heated and air-conditioned space) shall be 800 square feet per unit.
 - c. Each unit shall have a minimum of a single carport or screen porch.
 - d. Accessory buildings shall be designed to be architecturally similar and

compatible to the principal residence.

- B. Exterior building materials contribute significantly to the visual impact of buildings in the community. They shall be well designed and integrated into a comprehensive design style for the development. The total exterior wall area of each building elevation shall be composed of one of the following:
 - 1)
 - 2) At least two unique design features in the elevations of the units in addition to A.1)c. above. Unique design features shall be as follows and shall be reviewed by the Community Development Director for compliance.
 - a. Dormers
 - b. Gables
 - c. Recessed or raised entries
 - d. Covered porch entries
 - e. Cupolas
 - f. Pillars or decorative posts
 - g. Bay window (minimum 12 inch projections)
 - h. Front windows with arched glass tops.
- C. The same front elevations and design features shall not be used on adjacent units or immediately across the street from the referenced unit except for porches.
- D. Other similar design variations meeting the intent of this section may be approved by the Community Development Director.
- E. A minimum of one off street parking space shall be provided for each unit. Garages shall be required to be maintained for primarily parking of vehicles. On street parking for residents shall be prohibited except for temporary guests.

7. MISCELLANEOUS CONDITIONS

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Unit Development Agreement. Any other proposed use must be specifically authorized by the Planning Commission in accordance with the Planned Unit Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Unit Development established by this Agreement and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. This PUD Agreement shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

8. CONCURRENCY

As submitted, the proposed zoning change does not appear to result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (site plan and building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

[LEGAL DESCRIPTION]

HIDDEN HARBOR TOWNHOMES, according to the plat thereof as recorded in Plat Book 63, Pages 22, 23 and 24, of the Public Records of Lake County, Florida.

BEING A RE-PLAT OF THE FOLLOWING DESCRIBED LANDS:

All of the following described property lying East of the East right of way line of State Road 25, Lake County, Florida:

Parcel 1: Section 11, Township 20 South, Range 24 East, Lake County, Florida. Beginning at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 11, Township 20 South, Range 24 East, Lake County, Florida, run West 1412 feet to the right of way of the railroad; thence along the railroad right of way, South 26 degrees East, 367 feet; thence East 1251 feet; thence North 330 feet to the Point of Beginning.

Parcel 2: Beginning at the Northeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 11, Township 20 South, Range 24 East, Lake County, Florida, run thence North 6 chains, thence run West 20 chains; thence South 6 chains; thence East 20 chains to the Point of Beginning.

Subject to US Highway 27 right of way.

LESS AND EXCEPT the following described property:

A part of Sections 2 and 11, Township 20 South, Range 24 East, Lake County, Florida described as follows: Begin at the intersection of the Easterly right of way of U.S. Highway 27 and the South line of Lot 24 of FRISCH'S SUBDIVISION, in Section 2, Township 20 South, Range 24 East, Lake County, Florida as recorded in Plat Book 14, Page 33, of the Public Records of Lake County, Florida; run thence Southeasterly along said Easterly right of way of U.S. Highway No. 27, a distance of 725.0 feet; thence East parallel with said South line of Lot 24 of Frisch's Subdivision, 333.11 feet to a point that is 300.00 feet when measured at right angles thereto the Easterly right of way of U.S. Highway No. 27; thence Northwesterly parallel with said right of way 725.0 feet to the South line of said Lot 24; thence West along said South line of Lot 24, a distance of 333.11 feet to the Point of Beginning.



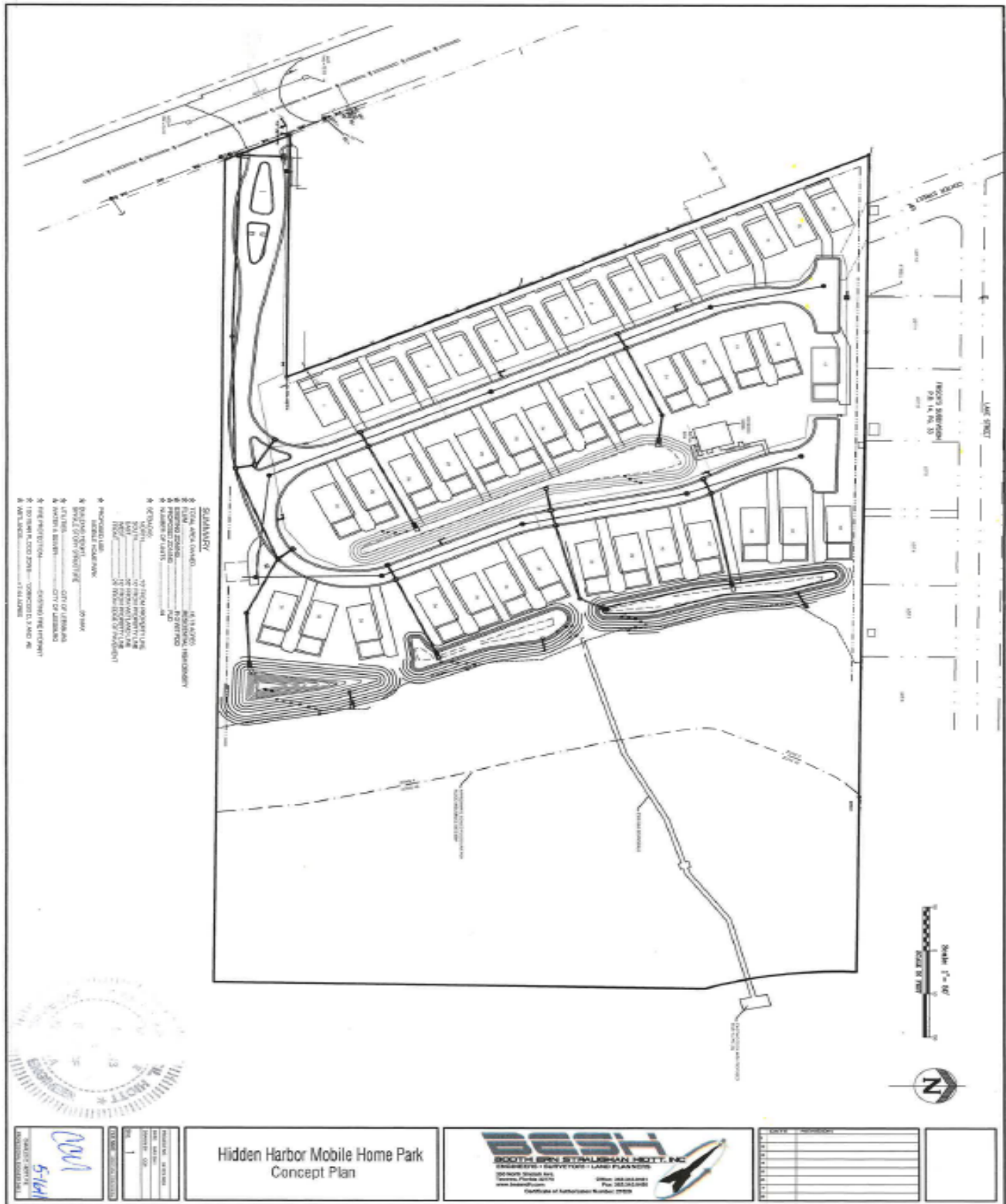
CONCEPTUAL FENCING

EXHIBIT D



PARK PLAN

EXHIBIT E





AGENDA MEMORANDUM

Item No: 5G.

Meeting Date: December 9, 2013

From: Bill Wiley, AICP, Community Development Director

Subject: Ordinance amending the PUD (Planned Unit Development) zoning for the Hawthorne CR 48 Development, to extend the development phasing requirement for an additional 36 months (Hawthorne CR 48 Development).

Staff Recommendation:

The Planning staff and the Planning Commission recommend approval of the proposed amendment to Section 3.E. Development Phasing for an additional 36 months extension to the development phasing requirements for the PUD (Planned Unit Development) zoning for the subject property.

Analysis:

The project site is approximately 17 acres. The property is generally located east of U.S. 27, west of Lake Harris and south of Magnolia Avenue as shown on the attached General Location Map. The present zoning for this property is City PUD (Planned Unit Development). The current use of the property is an age restricted mobile home development. The adjacent properties zoning and land use designations are not affected by the proposed amendment.

The proposed amended PUD (Planned Unit Development) zoning is compatible with the with the existing future land use designation of City Residential High Density and Conservation.

The existing land uses surrounding the property are undeveloped, mini-storage units and single family residential.

The development has City utilities.

By a vote of 4 to 0 on November 21, 2013, the Planning Commission voted to recommend approval.

Options:

1. Approve the proposed amended PUD (Planned Unit Development) zoning thereby extending the development phasing requirement for an additional 36 months.
2. Other such action as the Commission may deem appropriate.

Fiscal Impact:

There is a positive fiscal impact to the City through the continued development of this property.

Submission Date and Time:

Department: Community Development Prepared by: Bill Wiley AICP Attachments: Yes <u>X</u> No _____ Advertised: _____ Not Required _____ Dates: _____ Attorney Review : Yes <u>X</u> No _____ _____ Revised 6/10/04	Reviewed by: Dept. Head <u>BW</u> Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, AMENDING AN EXISTING PUD (PLANNED UNIT DEVELOPMENT) TO EXTEND THE PHASING REQUIREMENTS FOR 36 MONTHS ON APPROXIMATELY 68 ACRES FOR A PROPERTY NORTH OF C.R. 48 AND EAST OF U.S. 27 AS LEGALLY DESCRIBED IN SECTIONS 13 AND 14, TOWNSHIP 20 RANGE 24, LAKE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. (Hawthorne CR 48 Development)

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of the Hawthorne Residential Cooperation Association, Inc., the petitioner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby amended to the revised PUD (Planned Unit Development) zoning district subject to conditions contained in Exhibit A, to-wit:

(See attached Legal Description Exhibit B)

Alternate Key(s): 2841508, 3869867, 2841516, 1038405

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG

By: _____
David Knowles, Mayor

ATTEST:

Betty Richardson, City Clerk

**HAWTHORNE S.R. 48 DEVELOPMENT
PLANNED UNIT DEVELOPMENT CONDITIONS
SEPTEMBER 20, 2007
AMENDED NOVEMBER 21, 2013**

This Planned Unit Development Conditions for a PUD (Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to Hawthorne Residential Cooperation Association, Inc. "Permittee" for the purposes and subject to the terms and conditions as set forth herein pursuant to authority contained in Chapter 25 "Zoning", Section 25-278 "Planned Unit Development "of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND: The "Permittee" is desirous of obtaining a Planned Unit Development (PUD) zoning district to allow construction of a proposed mixed use development comprised of a maximum of 159,990 sq. ft. in residential assisted facilities and commercial development consisting of a maximum of 240,330 sq. ft. on approximately 68 acres, located northwest of the intersection of County Road 33 and County Road 48, on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

1. **PERMISSION** is hereby granted to Hawthorne Residential Cooperation Association, Inc. to construct, operate, and maintain a Planned Unit Development in and on real property in the City of Leesburg. The property is more particularly described as follows:

LEGAL DESCRIPTION:
See attached legal Exhibit B.

2. **LAND USE**

The above described property, containing approximately 68 acres, shall be used for mixed use residential and commercial development, pursuant to City of Leesburg development codes and standards.

- A. **Residential Development**

1. The maximum gross density for the residential assisted units shall not exceed 5.0 units per residential acre. Other similar lot mixtures may be approved by the Planning and Zoning Manager. (See C.5 for commercial areas)
 2. A minimum yard setback shall be maintained for buildings with residential assisted units of fifty (50) feet from all road right-of-ways and easements bounding the project area.
 3. Minimum distance between structures shall be 30 feet; measured from building wall to building wall.
 4. Corner lots shall have a minimum side yard setback of 20 feet from the public right-of-way.
 5. Accessory structures shall have a minimum rear and side setback of 20 feet and single accessory structures that are not attached to the principal structure shall not occupy more than 30 percent of the required rear yard.

6. City staff as part of the plan approval process shall approve final lot sizes and setbacks based on the general intent of the PUD design
7. Impervious surface coverage shall not exceed 50 percent with open space of a minimum of 50 percent.
8. Maximum building height shall not exceed four stories or 50 feet.
9. Permitted Uses:
 - a. Residential assisted units (ACLF and Nursing Home) attached;
 - b. Accessory structures;
 - c. Temporary modular sales center and construction office not to exceed one year from start of construction of project.

B. Recreational Development

1. Recreational development provided on the site shall include active and passive uses, as well as enclosed or un-enclosed recreational space, devoted to the common use of the residents. Such recreation space shall consist of not less than two hundred (200) square feet of space per dwelling unit. In computing usable recreation space, the following items may be considered at one and twenty-five hundredths (1.25) times the actual area.
 - a. Recreational activities such as play grounds, basket ball, tennis and hand ball courts, etc.
 - b. Developed recreational trails which provide access to the public trail system.
 - c. Swimming pool, including the deck area which normally surrounds such pools.
 - d. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreation.
2. The Planned Development shall provide pedestrian accessibility from all areas to any proposed recreational areas.
3. Recreational areas totaling approximately one acre shall be provided and developed by the developer with type and location of improvements to be determined by staff as part of the Preliminary Subdivision approval process.
4. Recreational vehicle parking, if applicable, shall be restricted through deed restrictions/covenants which shall prohibit parking within the development unless an approved designated area is provided. If provided, the area shall be buffered and final location will be determined by staff as part of the Preliminary Subdivision approval process.
5. In addition, the development shall dedicate a twenty-five (25) foot tract of land to the City adjacent to CR-48 to be reserved for use as a public trail. Such trail shall be developed by the developer per City trail requirements. Some credit may be allowed toward the required recreation areas depending on final determination of overall recreation and trail development plans. Final location and design shall be determined during the preliminary plan/site plan review process.

C. Commercial, Office and Community Facilities

1. Town designed Commercial Center area of approximately 104,330 sq. ft shall be situated at the northern center of the development. Primary design orientation of the center will be toward the interior boulevard roadway. Final determination of design and location of commercial areas shall be approved during the Preliminary Subdivision Plan/Site Plan approval process.
2. Allowable uses shall be those uses as described below:
 - § Restaurant, General
 - § Professional Office
 - § Medical Services / Facilities
 - § Retail, General
 - § Storage Area
 - § Salon / Barber Shop
3. The minimum development standards shall be those of the C-2 (Community Commercial) Zoning District of the Code of Ordinances. Lot sizes and setbacks may be adjusted by staff during the site plan review process.
4. Maximum impervious surface ratio for the designated commercial areas shall not exceed seventy (70) percent ISR unless residential units are located above fifty (50) percent of the commercial/office areas. With residential units the ISR shall increase to eighty (80) percent.
5. The inclusion of residential units shall not exceed 8.0 units per acre for commercial areas.
6. Maximum building height shall not exceed three stories or 40 feet unless residential units are included; then maximum building height shall increase to four stories or 50 feet.
7. Commercial development areas shall be properly screened from residential areas with a buffer in accordance with the City of Leesburg Land Development Code (as amended).
8. Access to the commercial development areas shall be primarily from internal roadway. Pedestrian access shall be provided from the residential areas to the commercial area and connection to the City's trail system shall be reviewed during the site plan review process.
9. The approximate 75,000 sq. ft. of commercial development shall be located in the eastern and western entrances to the development, and shall be accessed through the internal roadways of the development and shall have designs compatible and similar to the town center concepts. In addition, they shall be properly screened from residential areas with a buffer in accordance with the City of Leesburg Land Development Code (as amended).

D. Open Space and Buffer Areas

1. All wetlands on the project site shall be identified and the location and extent of each wetland shall be determined by St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the preliminary plan application.
2. Buildings or structures shall be an average of 50 feet from any wetland jurisdiction boundary. Under no circumstances shall the minimum buffer width be less than 30 feet.
3. Wetlands shall have a minimum upland buffer as established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.
4. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns River Water Management District.
5. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
6. A wildlife/historical/archaeological management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the preliminary plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.
7. To the extent practical, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, St. Johns River Water Management District or another legal entity such as a homeowners association. The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to St. Johns River Water Management District or another legal entity such as a homeowners association for ownership and maintenance.
8. A one hundred (100) foot wide vegetative landscaped buffer shall be required along the east, west and south boundaries of the development. In addition, a four hundred (400) foot wide vegetative landscaped buffer shall be required along the north boundary of the development. Along C.R. 48 adjacent to the accesses where the commercial buildings are located, a thirty (30) buffer/setback for buildings shall

be required. This buffer shall require a landscape berm unless there is an existing naturally heavily wooded area. Buffer widths may be reduced by the Planning and Zoning Manager if a wall is used as a buffer. Buffers shall retain existing healthy trees, shrubs and ground cover and shall include additional plantings where needed as provide in D.9 below.

- a. The property boundary lines adjacent to the single family residence to the south, in addition, shall have an eight (8) foot decorative solid fence or wall with landscaping. The exact design and location of the wall shall be determined during the site plan review process.

9. Landscaping of any required buffer areas shall be as follows:

For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the Land Development Code.

- a. Two (2) canopy trees
- b. Two (2) ornamental trees
- c. Thirty (30) shrubs
- d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.
- e. Existing vegetation in the required buffer shall be protected during construction.
- f. Variations to the landscape requirements may be approved by the Planning and Zoning Manager as long as the intent of the PUD is maintained.

E. Development Phasing

1. The proposed project may be constructed in phases in accordance with the Planned Unit Development Master Plan (attached as part of these conditions). The residential portion of the property may be developed prior to the commercial portion of the property which shall be developed as a separate phase. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.
2. Implementation of the project shall substantially commence within ~~24~~ 36 months of approval of this Planned Unit Development. In the event, the conditions of the PUD have not been implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to RE-1 (Estate Density Residential) or another appropriate zoning classification less intense than the development permitted by these PUD Conditions.

3. **STORMWATER MANAGEMENT / UTILITIES**

Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

- A. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.
- B. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.
- C. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. A homeowners association is an acceptable maintenance entity.
- D. The 100-year flood plain shown on all plans and lots.
- E. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100 year flood plain is altered and /or a new 100 year flood elevation is established in reference to the applicable flood insurance rate map.
- F. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District.
- G. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
- H. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of utility infrastructure and other improvements related to the use and development of the property including such off site improvements required by the City, all of which shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.
- I. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all homes in the development.

4. **TRANSPORTATION IMPROVEMENTS**

- A. All transportation improvements shall be based on a current traffic analysis and shall be contingent upon Preliminary Subdivision Plan approval by City staff during the development review and permitting process.
- B. Vehicular access to the project site shall be provided by a minimum of three public access points, one on Royal Palm Drive to the west and two on C.R.48 to the south. The Royal Palm Drive shall be a controlled restricted access for residents of the Hawthorne Subdivision. The two C.R.48 accesses shall be through public divided boulevard type roads. In addition, the commercial parcels along C.R.48 shall provide cross accesses to the adjacent parcels to the east and west. Actual locations and design of the accesses shall be determined during the Preliminary Subdivision Plan review process and shall include consideration of sidewalks, recreation/trail paths etc. Other potential public accesses such as to the east and northwest will be reviewed during the development review process.

- C. The Permittee shall provide all necessary improvements/paving/right-of-way/signalization within and adjacent to the development as required by FDOT, Lake County and City of Leesburg.
- D. All roads within the development shall be designed and constructed by the developer to meet the City of Leesburg requirements including at a minimum Miami curbs.
- E. Sidewalks shall be provided on both sides of the local internal roads and shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalks. All sidewalks shall be constructed in accordance with City of Leesburg Codes.
- F. The Permittee shall be responsible for obtaining all necessary FDOT and Lake County permits and a copy of all permits shall be provided to the City of Leesburg prior to preliminary plan approval.
- G. The City of Leesburg will not be responsible for the maintenance or repair of any of the roads or transportation improvements. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- H. A traffic/transportation analysis shall be submitted prior to preliminary plan approval for review and determination of any necessary access improvements. Said improvements will be the responsibility of the Permittee.
- I. At such time that traffic signals are warranted at the intersections adjacent to the proposed project entrances, the Permittee shall pay their pro-rata share of the cost of the signal(s) as determined by City staff.

5. **DESIGN REQUIREMENTS**

- A. All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the building.
 - 1. Dormers
 - 2. Gables
 - 3. Recessed or raised entries
 - 4. Covered porch entries
 - 5. Cupolas
 - 6. Pillars or decorative posts
 - 7. Bay window (minimum 12 inch projections)
 - 8. Eaves (minimum 6-inch projections)
 - 9. Off-sets in building face or roof (minimum 16- inch trim).
 - 10. Any other treatment which, in the opinion of the Planning and Zoning Manager, meets the intent of this section.
- B. Commercial Town Center Design
 - 1. Building frontages shall occupy no less than 75% of the street facing entrance.
 - 2. Height. The maximum building height may be increased by 10 feet as an incentive

for vertical mixed use buildings, except where adjacent to single-story residential uses.

3. Public Entrance. Buildings that are open to the public shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be attractive and functionally be a distinctive and prominent element of the architectural design, and shall be open to the public during business hours. Buildings shall incorporate lighting and changes in mass, surface or finish giving emphasis to the entrances.
 4. Building Façade. No more than 20 feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors. The top of any building shall contain a distinctive finish consisting of a cornice or other architectural termination as described below, subsection.
 5. Storefront character. Commercial and mixed-use buildings shall express a "storefront character" with the design elements complimenting residential areas. This guideline is met by providing all of the following architectural features along the building frontage as applicable.
 - a. Corner building entrances on corner lots.
 - b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
 - c. Large display windows on the ground floor. All street-facing, park-facing and plaza-facing structures shall have windows covering a minimum of 40% and a maximum 80% of the ground floor of each storefront's linear frontage. Blank walls shall not occupy over 50% of a street-facing frontage and shall not exceed 20 linear feet without being interrupted by a window or entry. Mirrored glass, obscured glass and glass block cannot be used in meeting this requirement. Display windows may be used to meet this requirement, but must be transparent and shall not be painted or obscured by opaque panels.
 6. Orientation. The primary building entrances shall be visible and directly accessible from a public street. Building massing such as tower elements shall be used to call-out the location of building entries.
- C. Exterior building materials contribute significantly to the visual impact of a building on the community. They shall be well designed and integrated into a comprehensive design style for the project. The total exterior wall area of front building elevation shall be composed of one of the following:
1. At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
 2. At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a "cementitious" lap siding. (A "cementitious" lap siding product is

defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option.)

3. All textured stucco, provided there are unique design features such as recessed garages, tile or metal roofs, arched windows etc. in the elevations of the buildings or the buildings are all brick stucco. Unique design features shall be reviewed by the Planning and Zoning Manager for compliance.
 4. Sides and rear of building shall be finished at a minimum with textured stucco and some integration of the front elevation materials and design.
- C. Design of the project shall comply with the intent of Sec. 25-288 Commercial uses (m) Retail--Large commercial design standards of the Land Development Code.
 - D. Other similar design variations meeting the intent of this section may be approved by the Planning and Zoning Manager.

6. MISCELLANEOUS CONDITIONS

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Unit Development Conditions. Any other proposed use must be specifically authorized by the Planning Commission in accordance with the Planned Unit Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Unit Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Code of Ordinances, as amended.
- E. These PUD Conditions shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.

7. CONCURRENCY

The proposed land use change or approval would result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for

the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

A. Utilities

1. Projected Capacities

- a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
- b. The development will require construction of new distribution mains, since existing facilities in the service area are not adequate. Should the developer wish to accelerate the construction of such facilities to provide service, the developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.
- c. The City is in the process of Consumptive Use Permit renewal. The application provides for anticipated demands due to this and other potential development

B. Commitment of Capacity

There are no previous commitments of any existing or planned excess capacity.

C. Ability to Provide Services

1. The City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
2. The City updates its Ten-Year Capital Improvement Plan (CIP) as part of our annual budgetary process. Included within the CIP are water, wastewater, and reclaimed water improvements necessary to provide service to proposed development.
3. The City has completed an impact fee study, based in part on the CIP in order to assure adequate and appropriate funding for required improvements. The combination of master planning and CIP planning has allowed the City to issue bonds to fund new potable water facilities and substantial reuse facilities, among other infrastructure improvements.

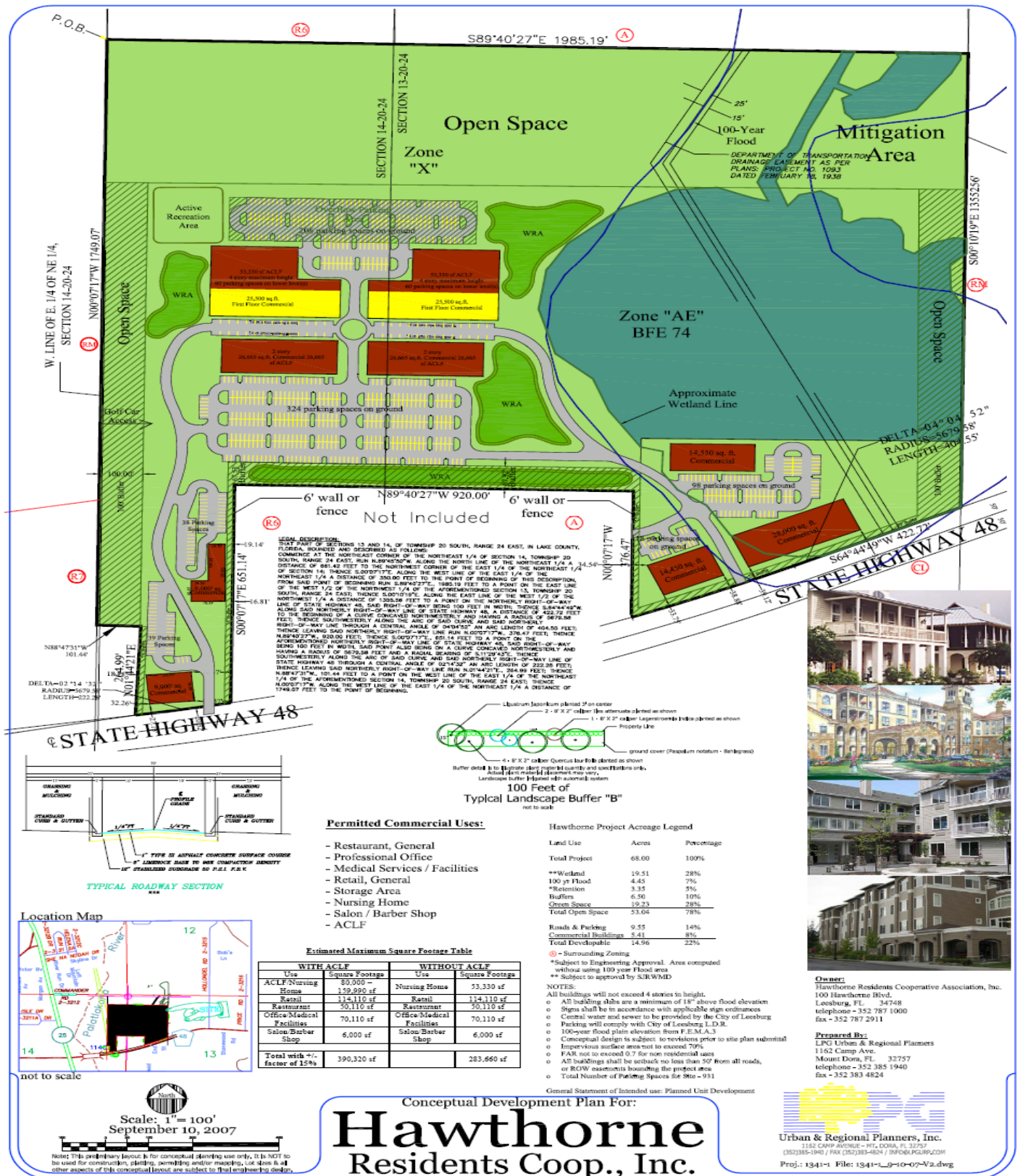
Legal Description

LEGAL DESCRIPTION:

THAT PART OF SECTIONS 13 AND 14, OF TOWNSHIP 20 SOUTH, RANGE 24 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCE AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 20 SOUTH, RANGE 24 EAST, RUN N.89°45'50"W. ALONG THE NORTH LINE OF THE NORTHEAST 1/4 A DISTANCE OF 661.42 FEET TO THE NORTHWEST CORNER OF THE EAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 14; THENCE S.00°07'17"E. ALONG THE WEST LINE OF THE EAST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 350.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, FROM SAID POINT OF BEGINNING RUN S.89°40'27"E., 1985.19 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE AFOREMENTIONED SECTION 13, TOWNSHIP 20 SOUTH, RANGE 24 EAST; THENCE S.00°10'19"E. ALONG THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 A DISTANCE OF 1355.56 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 48, SAID RIGHT-OF-WAY BEING 100 FEET IN WIDTH; THENCE S.64°44'49"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 48, A DISTANCE OF 422.72 FEET TO THE BEGINNING OF A CURVE CONCAVED NORTHWESTERLY AND HAVING A RADIUS OF 5679.58 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 04°04'52" AN ARC LENGTH OF 404.55 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE RUN N.00°07'17"W., 376.47 FEET; THENCE N.89°40'27"W., 920.00 FEET; THENCE S.00°07'17"E., 651.14 FEET TO A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 48, SAID RIGHT-OF-WAY BEING 100 FEET IN WIDTH, SAID POINT ALSO BEING ON A CURVE CONCAVED NORTHWESTERLY AND HAVING A RADIUS OF 5679.58 FEET AND A RADIAL BEARING OF S.11°29'43"E. THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 48 THROUGH A CENTRAL ANGLE OF 02°14'32" AN ARC LENGTH OF 222.28 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE RUN N.01°44'21"E., 264.99 FEET; THENCE N.88°47'31"W., 101.44 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/4 OF THE NORTHEAST 1/4 OF THE AFOREMENTIONED SECTION 14, TOWNSHIP 20 SOUTH, RANGE 24 EAST; THENCE N.00°07'17"W. ALONG THE WEST LINE OF THE EAST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 1749.07 FEET TO THE POINT OF BEGINNING.

Conceptual Development Plan

Exhibit C





AGENDA MEMORANDUM

Item No: 5H.

Meeting Date: December 9, 2013

From: Ken Thomas, Director of Housing & Economic Development

Subject: Resolution approval for State of Florida Brownfield Designation of property (Exhibit A) owned by Walling Enterprises, Inc., and Walling Crate Company, both Florida corporations

Staff Recommendation:

Staff recommends approval to authorize the City Manager to notify the Florida Department of Environmental Protection of the decision to designate a Brownfield Area for the purposes of economic development, environmental remediation, and rehabilitation; specifying the entity responsible for remediation and rehabilitation of the designated brownfield area; such designation provides economic development, redevelopment and incentives opportunities by the State of Florida and afforded only to State designated Brownfield Areas.

Analysis:

The Brownfield designation was established to provide financial and non-financial assistance to local governments and private property owners with tools to facilitate rehabilitation in areas needing incentives to stimulate private and public redevelopment. The following are State of Florida incentives offered for sites designated as a brownfield:

- Brownfield Redevelopment Bonus Refund
- Voluntary Clean Up Tax Credits (VCTC)
- Sales Tax Credit on Building Materials
- Loan Guarantee Program
- Cleanup Liability Protection

The Federal Government provides the following advantages to taxpaying stakeholders conducting environmental cleanup at brownfield sites:

- Allows environmental cleanup costs at eligible properties to be fully deductible in the year incurred, rather than capitalized and spread over a period of years;
- Improvements in 2006 expanded the types of properties eligible for the incentive to include those with petroleum contamination;
- Previously filed tax returns can be amended to include deductions for past cleanup expenditures.

There is no cost or liability to the City of Leesburg to establish a State of Florida Brownfield designation, site remediation, rehabilitation, or source removal by private sector development.

Options:

1. Approve the resolution to submit notification of the City's decision to designate the subject property as described by legal description (Exhibit A) as a brownfield area; or
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

No cost to the City of Leesburg to obtain State of Florida Brownfield Designation for the subject property.

Submission Date and Time: 12/5/2013 8:45 AM

Department: _____ Prepared by: _____ Attachments: Yes___ No___ Advertised:___Not Required___ Dates: _____ Attorney Review : Yes___ No___ _____ Revised 6/10/04	Reviewed by: Dept. Head _____ Finance Dept. _____ Deputy C.M. _____ Submitted by: _____ City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA, DESIGNATING A BROWNFIELD AREA
FOR THE PURPOSES OF ECONOMIC DEVELOPMENT,
ENVIRONMENTAL REMEDIATION, AND REHABILITATION;
AUTHORIZING THE CITY MANAGER TO NOTIFY THE
FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION OF THIS DESIGNATION; SPECIFYING THE
ENTITY RESPONSIBLE FOR REMEDIATION AND
REHABILITATION OF THE DESIGNATED BROWNFIELD
AREA; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chapter 376, Fla. Stat. (2013) provides for designation by resolution of certain lands as a "Brownfield Area," and for making provisions for the environmental remediation, rehabilitation and economic development of those areas, and

WHEREAS, the City of Leesburg wishes to designate a certain area as a Brownfield and to notify the Florida Department of Environmental Protection ("DEP") of such designation, for the purposes specified in §§376.77 through 376.85, Fla. Stat. (2013), and

WHEREAS, the City of Leesburg has complied with the notice and public hearing requirements specified in §376.80(1) and (2)(a), Fla. Stat. (2013), and

WHEREAS, the City Commission has considered the criteria contained in §376.80, Fla. Stat. (2013), including whether the proposed Brownfield warrants economic development and has a reasonable potential for such activities; whether the proposed area represents a reasonably focused approach and is not overly larger in geographic coverage; whether the area has the potential to interest the private sector in participation in the rehabilitation process; and whether the area contains sites or parts of sites suitable for limited recreational open space, cultural or historical activities and purposes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the area described and depicted on Exhibit "A" attached to this Resolution is designated as a Brownfield Area for environmental remediation, rehabilitation, and economic development as set forth in §§376.77 through 376.85, Fla. Stat. (2013).

Walling Enterprises, Inc. and Walling Crate Company, both Florida corporations, are hereby designated as the entities responsible, jointly and severally, for remediation and rehabilitation of this Brownfield Area.

Neither designation of responsible entities, nor the passage of this Resolution itself, shall render the City of Leesburg responsible wholly or partly for the environmental remediation, rehabilitation, economic development, or source removal [as those terms are defined in §§376.77 through 376.85, Fla. Stat. (2013)], nor for any costs or expenses associated therewith. The entities designated as the responsible parties shall bear all costs and expenses and undertake all obligations associated with remediation, rehabilitation and source removal at the site.

The City Manager is authorized and directed to notify DEP of this designation of a Brownfield Area.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the _____ day of _____, 2013.

THE CITY OF LEESBURG, FLORIDA

BY: _____
DAVID KNOWLES, Mayor

Attest: _____
BETTY RICHARDSON, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION:

LOT 1, PALM PLAZA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 65, PAGES 1 THROUGH 8, INCLUSIVE, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, RUN N.89°34'46"W. ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 A DISTANCE OF 299.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; FROM SAID POINT OF BEGINNING, RUN S.0°48'34"W. PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 A DISTANCE OF 210.00 FEET TO A POINT ON THE NORTH LINE OF A 15 FOOT WIDE STRIP DESCRIBED IN O.R.B. 662, PAGE 883, IN THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE WESTERLY ALONG THE NORTH LINE OF SAID 15 FOOT WIDE STRIP THE FOLLOWING FOUR COURSES; THENCE N.89°34'46"W., 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVED SOUTHEASTERLY AND HAVING A RADIUS OF 581.19 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 33°12'00", AN ARC LENGTH OF 336.77 FEET TO THE END OF SAID CURVE; THENCE S.57°13'14"W., 67.90 FEET TO THE BEGINNING OF A CURVE CONCAVED NORTHERLY AND HAVING A RADIUS OF 566.19 FEET; THENCE SOUTHWESTERLY, WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 64°50'58", AN ARC LENGTH OF 640.83 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST; THENCE N.0°18'22"E. ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 100 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY EDGE OF A CONSERVATION AREA; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG AND WITH SAID SOUTHERLY LINE OF CONSERVATION AREA TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST; THENCE S.89°34'46"E. ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 A DISTANCE OF 370.00, MORE OR LESS, TO THE POINT OF BEGINNING;

AND

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST IN LAKE COUNTY, FLORIDA AND THAT PART OF THE ABANDONED ACL RAILROAD BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, RUN N.89°34'46"W. ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 A DISTANCE OF 299.00 FEET; THENCE CONTINUE N.89°34'46"W. ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 A DISTANCE OF 1032.86 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22; THENCE S.0°18'22"W. ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 350.27 FEET TO A POINT ON THE NORTH LINE OF A 15 FOOT WIDE STRIP DESCRIBED IN O.R.B. 662, PAGE 883, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE CONTINUE S.0°18'22"W. ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 17.56 FEET TO A POINT ON THE SOUTH LINE OF A 15 FOOT WIDE STRIP DESCRIBED IN O.R.B. 662, PAGE 883, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THIS DESCRIPTION; SAID POINT OF BEGINNING BEING ON A CURVE CONCAVED NORTHERLY AND HAVING A RADIUS OF 581.19 FEET; THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY LINE

OF A 15 FOOT WIDE STRIP THROUGH A CENTRAL ANGLE OF $63^{\circ}26'13''$, AN ARC LENGTH OF 643.48 FEET SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF $N.89^{\circ}26'25''E.$, 611.11 FEET; THENCE LEAVING SAID SOUTHERLY LINE OF A 15 FOOT WIDE STRIP, RUN $S.0^{\circ}25'10''W$, 490.22 FEET; THENCE $S.36^{\circ}37'58''E.$, 131.60 FEET; THENCE $S.00^{\circ}25'10''W.$, 215.00 FEET; THENCE $S.68^{\circ}23'28''E.$, 441.33 FEET; THENCE $S.00^{\circ}25'10''W.$, 83.42 FEET; THENCE $S.89^{\circ}34'30''E.$, 189.97 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF 14TH STREET (U.S. HIGHWAY 27); THENCE $S.00^{\circ}25'10''W.$ ALONG SAID WEST RIGHT OF WAY LINE 248.25 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE ABANDONED SAL RAILROAD, SAID RIGHT OF WAY BEING 100 FEET IN WIDTH AT THIS POINT; THENCE $N.68^{\circ}44'55''W.$ ALONG SAID NORTHERLY RIGHT OF WAY LINE 826.64 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE ABANDONED ACL RAILROAD, SAID RIGHT OF WAY BEING 40 FEET IN WIDTH AT THIS POINT; THENCE $N.31^{\circ}32'20''W.$ ALONG THE EASTERLY RIGHT OF WAY OF THE ABANDONED ACL RAILROAD 45.78 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 22; THENCE $S.89^{\circ}43'39''E.$ ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 A DISTANCE OF 6.47 FEET; THENCE $N.68^{\circ}44'55''W.$ PARALLEL WITH THE NORTHERLY RIGHT OF WAY LINE OF THE ABANDONED SAL RAILROAD 429.21 FEET; THENCE $N.34^{\circ}13'16''W.$ 32.95 FEET; THENCE $N.00^{\circ}18'22''E.$ PARALLEL WITH THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 22 A DISTANCE OF 512.86 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF THE ABANDONED ACL RAILROAD, SAID RIGHT OF WAY BEING 70 FEET IN WIDTH AT THIS POINT; THENCE $N.31^{\circ}32'20''W.$ ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE 151.62 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE $N.00^{\circ}18'22''E.$ ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 136.92 FEET TO THE POINT OF BEGINNING.

AND

THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA, LYING SOUTH OF THE ABANDONED SAL RAILROAD.



AGENDA MEMORANDUM

Item No: 5I.

Meeting Date: December 9, 2013

From: Mike Thornton, Purchasing Manager for
Bill Spinelli, CPA, Finance Director

Subject: Resolution authorizing execution of an agreement with S.W.I. Software
Install, Inc. to provide utility meter reading services

Staff Recommendation:

Staff recommends approval of the resolution authorizing execution of a fixed unit price agreement with S.W.I. Software Install, Inc. (SWI). The estimated first year annual cost based on the current meter inventory is \$196,013.25.

Analysis:

The City currently operates a utility meter reading division and collects all meter reads using City staff. On October 15, 2013 the Purchasing Division issued an Invitation to Bid (ITB) requesting interested and qualified companies to submit bid responses to provide meter reading services on a contractual basis.

The ITB requested bidders to provide unit cost pricing for reading all meters not using an automated reading system. Some water meters and gas meters currently have Electronic Radio Transmitters, or ERTs attached allowing them to be read electronically using a data collection device. All electric meters are using Advanced Meter Infrastructure system for collecting meter reads. The water, gas and electric meters currently read electronically will be visually read once per year. This is done as a quality control measure to be sure the electronic devices attached to the meters are registering correctly.

The Purchasing Division received five bid responses. The Notice of Intent to Award is attached and includes the Final Bid Tabulation and a detailed tabulation of the three lowest bidders. The Final Bid Tabulation used estimated meter quantities. Actual meter counts and combinations of multiple meters at a single location were used to prepare the detailed tabulation of the three lowest bidders.

The results of the detailed bid tabulation are summarized here. The difference between the 2014 and 2015/2016 cost is attributed to the fact the Gas Utility will have all of their meters retrofitted with ERTs for electronic reading by September 30, 2014. In 2015 and 2016, the gas meters will require only the annual visual read. The estimated annual cost includes the monthly visual read of all non-electronic read meters and the once annual visual read of all electronic read meters for all services, water, gas, and electric.

Summary of Detailed Tabulation

Meter Reading Annual Totals				
Vendor Name	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	3 Year Total
S.W.I. Software Install	\$196,013.25	\$156,411.00	\$156,411.00	\$508,835.25
US Water Services	\$185,800.68	\$169,959.78	\$169,959.78	\$525,720.24
Ivy H. Smith	\$218,025.10	\$177,064.48	\$177,064.48	\$572,154.06

The full contract document is attached for your review. Some of the notable clauses or requirements of the contract are listed here.

- Cost – Meters are read for \$0.75 per meter.
- Visual Reads – Contractor will provide services for visual reads only. The City is responsible for electronic reading of meters.
- Equipment – City provides only the meter reading handheld units. Contractor provides all other necessary equipment such as vehicles.
- Mis-Read Charge. The Department may deduct a charge of fifteen dollars (\$15.00) per each verifiable mis-read in a reading-cycle month. Application of this deduction is left to the sole discretion of the Project Manager or his designee and will be applied when there is a steady trend of increasing mis-reads.
- Re-Read Charge. The Department may deduct a charge of twenty dollars (\$20.00) per re-read when a reading was not obtained by the Contractor within the scheduled reading period but obtained by City personnel. This charge is applicable only when it is determined that the meter reader did not make a reasonable effort to obtain the read and/or the Contractor's meter reading supervisor did not adequately follow-up on the no-read / re-read reports.

Only one vendor qualified for the Local Vendor Preference. Ivy H. Smith is a Tier II local vendor and receives a 2% preference. Application of the 2% preference did not change the ranking order of the three lowest bidders.

Options:

1. Approve the resolution authorizing execution of Agreement with S.W.I. Software Install, Inc.;
2. Such alternative action as the Commission may deem appropriate

Fiscal Impact:

The cost of these services paid for with the funds currently budgeted for in house meter reading staff.

Submission Date and Time: 12/5/2013 8:45 AM

Department: <u>Finance Department</u> Prepared by: <u>Mike Thornton</u> Attachments: <u>Yes</u> <u>X</u> <u>No</u> Advertised: <u>Not Required</u> Dates: <u>October 14, 2013</u> Attorney Review : <u>Yes</u> <u>No</u> <u>Revised 6/10/04</u>	Reviewed by: Dept. Head _____ Finance Dept. <u>BLM</u> Deputy C.M. _____ Submitted by: City Manager _____	Account No. _____ Project No. _____ WF No. _____ Budget _____ Available _____
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RESOLUTION NO. _____

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
LEESBURG, FLORIDA AUTHORIZING EXECUTION OF AN
AGREEMENT WITH S.W.I. SOFTWARE INSTALL, INC. TO
PROVIDE UTILITY METER READING SERVICES ON A PER
METER READ UNIT COST BASIS; AND PROVIDING AN
EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG,
FLORIDA:

THAT the Mayor and City Clerk are hereby authorized to execute an agreement
with S.W.I. SOFTWARE INSTALL, INC. whose address is 5008 W. Linebaugh Avenue,
Suite #14, Tampa, Florida 33624, for utility meter reading services pursuant to Invitation to
Bid 130611.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a
regular meeting held the 9th day of December 2013.

Mayor

ATTEST:

City Clerk